Town & Country Planning Act 1990 S78

PROOF OF EVIDENCE

of

John-Paul Friend

HND (LGD) BA Hons Dip LA CMLI

on

Landscape and Visual Matters

on behalf of

St Albans City and District Council

in respect of the development

Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions

at Land North of Chiswell Green Lane, Chiswell Green, St Albans

PINS Ref: APP/B1930/W/22/3312277

LPA Ref: 5/2021/3194

LVIA Ltd Ref: STA1364lpoe

Date: March 2023

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Landscape Proof of Evidence	
Project:	Land North of Chiswell Green Lane, Chiswell Green, St Albans
Status:	Final
Date:	March 2023
Author:	JPF
File Reference	STA1364lpoe
Revision	-

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1.0 Introduction

Witness

1.1.1 I am John-Paul Friend. I am the Director of LVIA Ltd and I specialise in landscape and visual planning issues associated with development and change.

1.1.2 I have provided evidence for planning appeals by inquiry, written representations and hearing for over seven years.

Qualifications

1.1.3 I hold a BA (Hons) degree in Landscape Architecture and Post Graduate Diploma in Landscape Architecture from the University of Gloucestershire. I am a chartered member of the Landscape Institute.

Professional Practice

1.1.4 I am the Director of LVIA Ltd and I have been practising landscape architecture for 15 years, all in private practice as a Landscape Architect.

1.1.5 I have previously been an associate lecturer at the University of Gloucestershire, where I taught undergraduate and postgraduate students on the Landscape Architecture course. I am currently an associate lecturer at the University of the West of England where I teach Environmental Impact Assessment to the undergraduate and postgraduate courses.

1.1.6 I have an active involvement in schemes across the United Kingdom. The range of projects in which I have been involved include residential, agricultural, defence, highways and energy. I am also involved in the production of environmental impact assessment, environmental statements and general landscape design. During my professional career I have carried out a substantial number of Landscape and Visual Impact Assessments, Townscape Assessments, Landscape Appraisals and Character Assessments on a wide variety of sites and areas.

1.1.7 LVIA Ltd carries out impact assessments, masterplanning, landscape evaluations and detailed landscape proposals for a wide variety of clients. I liaise with local authority officers in many local planning authorities (London boroughs, district and borough Councils) across Britain; and a high proportion of my practice's activity is based on-site evaluation and landscape design.

1.1.8 I act as landscape expert witness on behalf of both private and local authority clients. Examples from this calendar year include a scheme at Lodge Road, Hurst for a developer and another in Twyning, Tewkesbury for the borough council.

1.1.9 I am familiar with the Application Site and its surroundings, having reviewed all relevant background information and undertaken field surveys in February and March 2023. Before accepting the instruction to act as an expert witness I reviewed all pertinent information and was satisfied that I would be comfortable defending the Council's case on landscape and visual matters.

Declaration of Truth

1.1.10 I declare that the evidence which I have prepared and provide for this appeal is true. It has been prepared and is given in accordance with the guidance of the Landscape Institute and I confirm that the opinions expressed are my true and professional opinions.

1.1.11 Before I accepted involvement in the project, I familiarised myself with the submitted information and ascertained that I could support the issues identified within the reason for refusal.

1.1.12 The scope of my Proof of Evidence is to deal with the landscape and visual impact issues associated with the site, and the Appellants' submitted Landscape and Visual Appraisal.

Project Involvement

1.1.13 LVIA Ltd were appointed by St Albans City and District Council in January 2023 to prepare landscape and visual evidence in respect of the proposed development at Land North of Chiswell Green Lane.

Scope of Evidence

1.1.14 My evidence addresses the landscape and visual effects of the proposed development. In preparing my evidence I have considered (among other things):

- the application plans,
- the Appellants' Landscape and Visual Impact Assessment dated 21st July 2021 produced by UBU Design ("the UBLVIA"), and
- the Planning Statement, the Appellants' Statement of Case.

Reasons for Refusal

1.1.15 The Council refused permission for the following reason that refers to landscape and visual matters:

Refusal Reason 1: The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.

2.0 The Proposed Site: Local Context and Character

Site Character and Boundaries

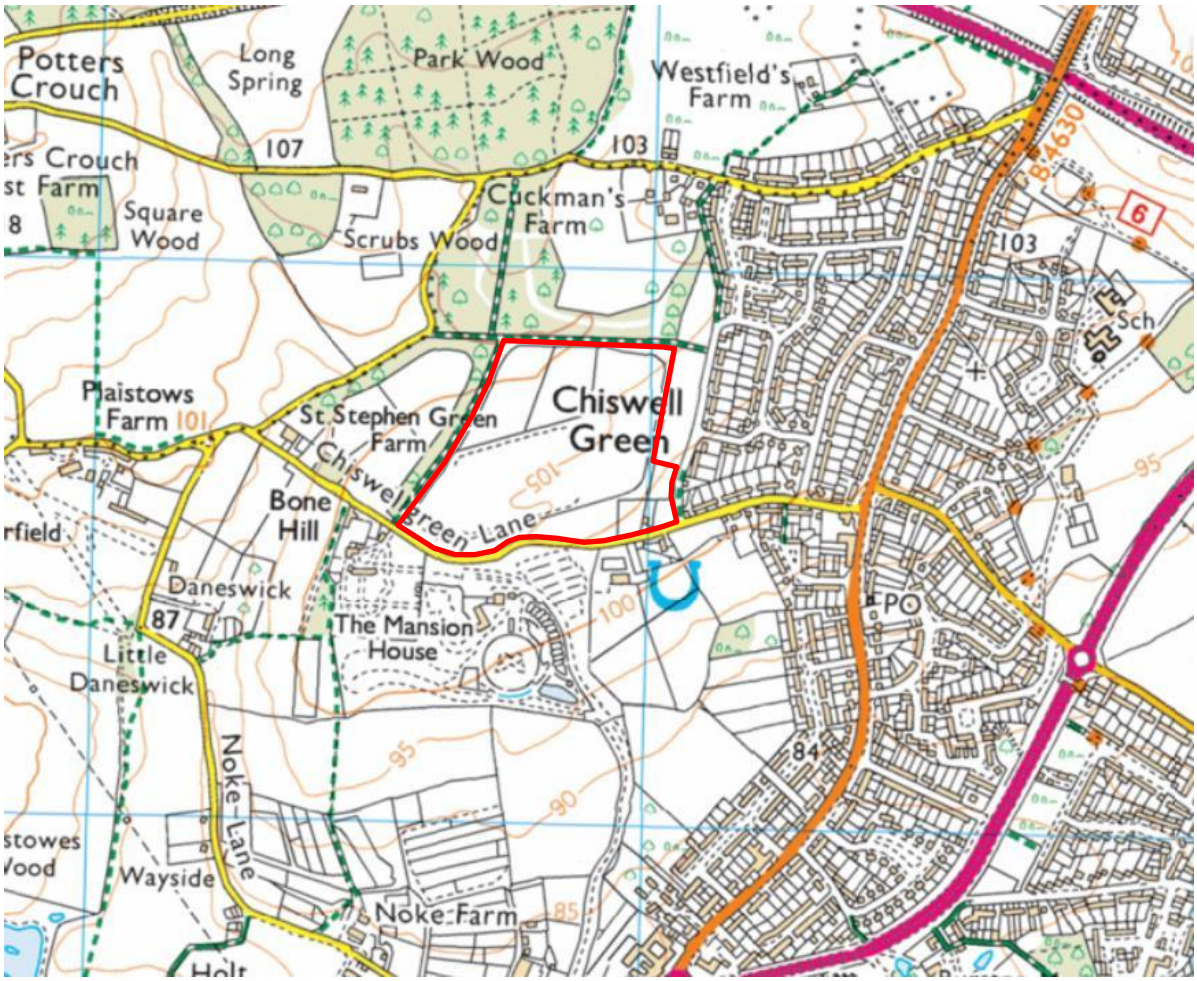


Image 1: Site location shown on 1:25000 OS map base

2.1.1 The site is located to the west of the settlement edge of Chiswell Green. The total site area is approximately 14.6 hectares and is centred on N51°43'45, W00°22'02. The site is proposed to be accessed from Chiswell Green Lane. The site is somewhat removed from the settlement edge of existing dwellings that are situated along Cherry Hill although the redline sits closer to The Croft in the south east corner.

2.1.2 The site is currently undeveloped and arranged as a handful of fields that are laid to grassland associated with the polo club use. These fields are subdivided by a combination of fencing and hedgerows in some locations.

2.1.3 Three PRoW run around parts of the sites boundaries, to the north (FID 103 St Stephen 080) and west (FID651 St Stephen 021) and partly to the south east (FID106 St Stephen 082). These footpaths link into the wider network that sits around the site. A linear woodland runs alongside the sites northern and western site boundaries and a hedgerow with trees follows Chiswell Green Lane to the south.

2.1.4 The site sits within no areas of national designation related to landscape. The entire site area falls within the Metropolitan Green Belt. The site sits outside of the defined settlement boundary.

2.1.5 Within the site itself, it appears relatively tranquil and feels generally separate from the urban form to the east although some visual connectively exists, with some detracting elements noticeable in the form of pylons and road noise from transport corridors in the wider area.

2.1.6 Views from within the site provide links to the well vegetated agricultural landscape to the west and north west as illustrated below in image 1.

Image 1: Illustrative view to the north west from within the site demonstrating the visual connection to the landscape in the west and north west

2.1.7 The landscape to the west and north of the site that is mainly experienced by users of PRoW represents a landscape that although exhibiting features that relate to infrastructure remains generally tranquil in its nature.

2.1.8 The development would form an encroachment into the landscape that sits to the west of the current settlement boundary of Chiswell Green in this location.

3.0 The Submitted Landscape and Visual Appraisal

3.1.1 The UBLVIA that accompanies the application has been considered as part of this proof of evidence.

3.1.2 The UBLVIA partly 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).

3.1.3 No reference is made to the following documents which I would expect to see considered as part of the assessment process:

- An Approach to Landscape Character Assessment, published by Natural England (2014);
- Technical Guidance Note 06/19; Visual Representation of Development Proposals issued by the Landscape Institute; and
- Landscape Institute Technical Guidance Note 02/21: Assessing landscape value outside national designations (TGN02/21).

3.1.4 With this in mind, I will provide my views on the outcomes and identify where my judgement varies from the outcomes of the submitted UBLVIA in the following chapters of this document. I do contend that there are some areas where the methodology appears to have been misapplied, but this will be detailed in the appropriate section of this document.

3.1.5 I have applied the provided methodology to form my own conclusions which are provided within this following chapters of this proof and identified where I have had to provide additional information.

3.1.6 Where paragraphs are stated, they refer to the UBLVIA unless otherwise detailed. Sections of the text stated within the UBLVIA will be provided but should be read in conjunction with the LVIA for full detail.

4.0 Landscape Sensitivity

4.1.1 Section 2. Baseline Landscape Assessment of the UBLVIA provides a description of the site at paragraphs 2.1-2.7 that is similar to that provided within chapter 2.0 of this document.

Published Landscape Character

4.1.2 The published landscape character areas from a national to local level are detailed from paragraph 2.13.

4.1.3 Firstly, it is agreed that the site falls within published National Character Area (NCA) 111: Northern Thames Basin.

4.1.4 No explicit assessment of the sites representativeness of the NCA appears to be provided.

4.1.5 At a more local level, the Hertfordshire Landscape Character Assessment is identified.

4.1.6 It is noted that the site falls within the Landscape Character Area (LCA) 10: St Stephens Plateau. It is agreed that the site falls within this LCA.

4.1.7 At paragraph 2.33 the UBLVIA states:

The above key characteristics demonstrate that the overall character area contains a range of landscape features that are of varying value from rural elements to settlements. The sensitivity to change for the type of proposed development within the landscape character area is deemed to be Medium.

4.1.8 No direct examples of the published characteristics are provided. The edge of Chiswell Green is mentioned within the LCA text, but this is not presented in the analysis. However regardless of these weaknesses this seems a reasonable sensitivity to attribute to the LCA.

4.1.9 No explicit assessment as to whether the site might form part of a valued landscape is provided. However, it is accepted that the sites does not form part of a valued landscape.

Site Landscape Character

4.1.10 Paragraph 2.34 onwards of the UBLVIA identifies that the site's landscape setting and context generally accord with the national and local character assessments.

4.1.11 Under the heading Landscape Value it is stated at paragraph 2.37:

The landscape value is medium/low to account for its location within the Green Belt and it is used as a grazing land and for the occasional polo match.

4.1.12 Within the UBLVIA methodology at Table 1 – Landscape Receptor Quality/Value, the level of medium is described as:

Areas that exhibit positive character but which may exhibit evidence of alteration, degradation and erosion of features. Also applicable to areas with degraded features but which remain well used/highly valued.

4.1.13 And the level of low is described as:

Areas that are relatively bland or neutral in character with few notable or valued features and/or evidence of alteration, degradation and erosion of features, resulting in areas of variable character.

4.1.14 The medium/low level attributed to it therefore falls between these two levels.

4.1.15 It is my view that the site falls within the medium level only as it exhibits a generally positive character due to its connection with the landscape to the west and surrounding PRoW but does exhibit evidence of alteration in the form of the grassland that sits within the site.

4.1.16 The Landscape Condition is given as low at paragraph 2.38. There is no further definition provided to explain this level. Table 1 of TGN02/21 provides a Range of Factors that can be considered when identifying landscape value. One of the factors is Landscape Condition which is defined as:

Landscape which is in a good physical state both with regard to individual elements and overall landscape structure

4.1.17 Examples of indicators of landscape value are provided:

Good physical condition/ intactness of individual landscape elements (e.g. walls, parkland, trees)

Good health of elements such as good water quality, good soil health

Strong landscape structure (e.g. intact historic field patterns)

Absence of detracting/ incongruous features (or features are present but have little influence)

4.1.18 It is my view that the Landscape Condition is of a medium level as although the site has limited landscape features within it other than the hedgerow with trees that follows Chiswell Green Lane, it is directly bound by existing linear woodland features. The elements are intact and provide an influence on the site.

4.1.19 The Susceptibility to Change is considered to be medium at paragraph 2.39. Table 2 – Landscape Receptor Sensitivity defines a medium level as:

Features or artefacts that are locally distinctive but commonplace; or mature vegetation that is in moderate or poor condition or is readily replicated; or locally important footpaths etc.

4.1.20 It is my view that the medium sensitivity level appears to be reasonable.

5.0 Effects of the Development on Landscape Features

5.1.1 This section will present the results of my independent analysis of the assessed landscape outcomes of the proposed development based on the approach used in the UBLVIA.

Assessed Landscape Effects of the UBLVIA

5.1.2 Chapter 5. Impact Assessments of the UBLVIA identifies the effects that would be caused as a result of the development on three landscape receptors – the Landscape Type St Stephens Plateau (which should be referred to as landscape character area), Site Features and Setting of the Site, I will provide my view on these in turn.

5.1.3 **LCA St Stephens Plateau**. This is defined as having a medium sensitivity and to be subject to a small magnitude of change at a post construction stage. This would result in a minor neutral effect.

5.1.4 Table 3 – Landscape Receptor Magnitude of Change (Table 3) identifies a small magnitude of change as being:

Small scale changes to a landscape element or loss of/change to a small proportion of an extensive feature. Larger scale losses that can be fully mitigated against through provision of equivalent replacement features.

5.1.5 As the LCA covers a relatively large geographic area, the small magnitude of change is reasonable. However, the change in my view would be adverse rather than neutral. This is because there will be an effect on the current published characteristics in the form of extending the current built edge of urban settlement into a field that somewhat removed from the settlement edge.

5.1.6 At a residual stage it is defined that the effects would reduce to a very small level and that this would result in a slight beneficial effect.

5.1.7 Table 3 defines a very small level as being:

Very small scale changes to a landscape element or loss of/change to a small proportion of an extensive feature. The changes can be fully mitigated against through provision of equivalent replacement features.

5.1.8 Again, it is reasonable to think that mitigation measures that would be established after a 15 year period would produce a reduction in the magnitude. However it is my view that the change would remain adverse, meaning that there would be a slight adverse effect at a residual stage.

5.1.9 **Site Features.** Again this has been defined as having a medium sensitivity level and to be subject to a large magnitude of change at a post construction stage. This would result in a major beneficial effect.

5.1.10 Table 3 identifies a large magnitude of change as being:

Permanent removal of, or a significant change to, the characteristics of the landscape element in question. Limited scope for replacement, reinstatement or other mitigation.

5.1.11 I agree that the change to the site would be large. The description provided above of a large level describes the change that one would expect if a large proportion of the site is changed from its current baseline to residential development of this scale. However, I disagree with the

suggestion that the outcome would be beneficial. It is difficult to see how this view could be taken given that after the built form has been constructed, the change will be clearly noticeable and would cause the permanent removal of the current characteristics of the baseline. It is my view that the effect would be a major adverse change. I consider this an adverse change because there would be an obvious extension to the current settlement into a field that is currently separated from the urban edge. Mitigation measures would not yet have established to have the effect of ameliorating the effects that will clearly occur to the visual or landscape baselines.

5.1.12 At a residual stage it is defined that the effects would reduce to a medium level and that this would result in a moderate beneficial effect. This reduction in beneficial effect suggests that at a residual stage, after 15 years, the mitigation measures would be less effective than they had been post construction.

5.1.13 Table 3 identifies a medium magnitude of change as being:

Partial removal of, or moderate changes to the characteristics of the landscape element in question. Also applies to complete removal that can be suitably mitigated against.

5.1.14 As before, it is reasonable to think that mitigation measures that would be established after a 15 year period would produce a reduction in the magnitude. However, it is my view that the change would remain adverse, meaning that there would be a moderate adverse effect at a residual stage.

5.1.15 **Setting of the Site.** This is defined as having a medium sensitivity and to be subject to a small magnitude of change at a post construction stage. This would result in a minor beneficial effect.

5.1.16 It is my view that the effects felt from the setting of the site, i.e. the adjacent PRoW network and landscape to the west and north west where intervisibility exists would be subject to a medium magnitude of change, meaning that there would be a moderate adverse effect.

5.1.17 At a residual stage it is defined that the effects would reduce to a very small level and that this would result in a slight effect. It is not defined whether this effect will be positive or negative. Similarly to the outcome for Site Features, the reduction in what can be assumed to be a beneficial effect suggests that at a residual stage, after 15 years, the mitigation measures would be less effective than they had been post construction.

5.1.18 After mitigation measures have established after a 15 year period, this would likely produce a limited reduction in the magnitude of change as the setting would continue to be affected. However, it is my view that the change would remain adverse especially on the direct setting to the north and west, meaning that there would be a moderate adverse effect at a residual stage.

Overall Section Conclusion

5.1.19 As discussed in section 4.0, it is my professional judgement that the value of the landscape would be medium and that the susceptibility of the site would be medium, giving an overall medium sensitivity.

5.1.20 Development proposals when located on site would result in a partial loss of elements and features of the baseline and introduce elements that are prominent, but that would not be substantially uncharacteristic when set within the attributes of the receiving landscape.

5.1.21 The construction phase (which would last approximately 5-10 years for a site of this scale) would affect the published key characteristics at a local level. This is because the site would require

large scale construction works associated with development in the currently undeveloped site that sits somewhat removed from the settlement edge.

5.1.22 At the beginning of the operational phase, the change will remain prominent as mitigation and planting measures will not have fully established.

5.1.23 At a residual stage, i.e. 15 years after the post-construction phase, (approximately 20-25 years after construction works started) the mitigation planting measures will have established and the magnitude of change will be somewhat reduced from most receptors. However, the elements proposed on site; the lighting, vehicular movements related to the site use, and the residents themselves will continue to influence the current baseline. The loss of the current baseline is permanent and irreversible due to the residential nature of the proposal.

5.1.24 It is my professional judgement that the development proposals when located on site would result in the following adverse effects on landscape receptors:

- The changes to LCA St Stephens Plateau will be generally localised and the proposals will result in a slight adverse effect at a residual stage.
- The change to the Landscape Features will be moderate adverse at a residual stage.
- The change to the setting of the site will be moderate adverse at a residual stage.

5.1.25 The UBLVIA appears confused in its use of the nature of effect (valency), with the result creating the impression that they believe the mitigation measures will be less effective at a residual stage; i.e. a major beneficial change post construction reducing to a moderate beneficial change after 15 years. This seems counterintuitive and would indicate that the mitigation measures were not fit for purpose as the benefit reduces over time.

5.1.26 It would be more reasonable to say that there will be new green infrastructure elements created that will accompany the site, but that there will still be moderate adverse character impacts. These green elements have not been specified at this stage to allow a reader to consider how they may ameliorate change.

5.1.27 The experience of users of the footpath network that surrounds the site will change completely from the current baseline to that of residential development. This perception of development will extend to the north and west beyond the site along the local footpath network.

6.0 Visual Effects of the Proposed Development

6.1.1 This section will present the results of my independent analysis of the assessed visual outcomes of the site based on the methodology used in the UBLVIA.

Assessed Outcomes of the Visual Assessment

6.1.2 As before, all following chapters, page numbers and paragraphs in this section refer to the UBLVIA unless otherwise stated.

6.1.3 One of the references identified in Section 8. References at paragraph 8.4 Landscape Institute Advice Note 01/04 as Amended (August 2008): Use of Photography and Photomontage in Landscape and Visual Assessment. The Landscape Institute, 2008.

6.1.4 This document is out of date by some margin, with the latest being Technical Guidance Note 06/19; Visual Representation of Development Proposals issued by the Landscape Institute.

6.1.5 Table 5 - Receptor Visual Sensitivity provides detail on the sensitivity attributed to various visual receptors. This is reproduced below for ease of reference:

Table 1: Table 5 – Receptor Visual Sensitivity (Reproduced from UBLVIA)

Receptor	Sensitivity
Public viewpoint of important cultural or aesthetic significance.	Very high
Public viewpoint in a recreational context with the expectation of a rural outlook. A valued community view or a development which changes the setting of a community.	High
Public view of less significance or a number of private views from principal living spaces.	Medium
Small number of private views visible from principal living spaces.	Low
Views from transport corridors, views from places of work.	Very Low

6.1.6 A Zone of Theoretical Visibility was produced (Figure 7), with development height on site plotted at 10 metres and viewer height at 1.8 metres.

6.1.7 24 viewpoint locations have been visited in the local and wider landscape that fall within the area highlighted as having the potential for visibility by the ZTV. These locations are illustrated in Figure 8 and the images shown in Figure 9. The photographs provided in Figure 9 do not appear to have been taken from a height of 1.8 metres as is noted within Figure 7. As a result, they can be misleading, with intervening visual barriers appearing larger than they actually are.

6.1.8 The extent of the study area for the visual assessment was identified using a screened ZTV. The word screened in relation to zone of theoretical visibility (ZTV) means that barriers were added to the base mapping to mimic visual barriers on the ground, such as areas of woodland or built form. These barriers are illustrative and drawn onto the plan with estimated heights given for the visual barrier elements; in this case woodland is given a height of 15m and existing built form is given a height of 9m.

6.1.9 GLVIA paragraph 6.10 states:

"The ZTV mapping is the desk study component of the visibility analysis. In reality many factors other than terrain will influence actual visibility other landscape components that may affect visibility, for example buildings, walls, fences, trees, hedgerows, woodland and banks, can in

theory be added to digital models that are based on terrain but this is difficult to achieve accurately, especially for a large study area."

6.1.10 This identifies the inaccuracy inherent in adding notional barriers to the ZTV. This inaccuracy may lead to viewpoints not being visited accordingly to be scoped out.

6.1.11 I have consequently produced a ZTV based on the digital terrain model with no theoretical barriers added; this is provided within section 7.0 Visual Analysis of this proof. I have visited the landscape surrounding the site and provided photography that is in line with best practice as outlined in paragraph 6.1.4 above. These images illustrate the visual baseline during months when vegetation does not retain its foliage and is acting as less dense visual barriers.

6.1.12 The 24 locations are arranged into 6 receptor groups in Table 9 which is reproduced below for ease of reference.

Table 2: Table 9 – Visual Impact Assessment (Reproduced from UBLVIA)

Receptor description	Sensitivity	Post Construction		Embedded Mitigation	Residual	
		Magnitude	Significance		Magnitude	Significance
Footpath St Stephen 080	Low	Very Small	Neutral	Any gaps within the hedgerow will be infilled where necessary to reinforce the screening.	Very Small	Neutral
Footpath St Stephen 021	Low	Very Small	Neutral	Any gaps within the hedgerow will be infilled where necessary to reinforce the screening.	Very Small	Neutral
Footpath St Michaels Rural 012	High	Small	Moderate	Planting within the development and areas of POS and infill boundary planting to help set the development within the landscape	Very small	Minor
Medium and Long Range PRoWs	n/a	n/a	n/a	n/a	n/a	n/a
Transport Routes	Low	Small	Slight	Infill any gaps along the boundary and set any development into the site	Very Small	Neutral
Residential Amenity	High	Medium	Major	Landscape buffer, street tree and boundary planting and areas of POS within the Paddock area.	Small	Moderate

6.1.13 The locations chosen for photography seem reasonable for the area identified in the ZTV. However, viewpoints (VPs) such as those located on PRoW St Stephen 082 that sits directly next

to the sites eastern boundary (VPs 1 and 2) not assessed or included in Table 9. This is a serious omission.

6.1.14 Furthermore, there is no explanation of why users of certain PRoW are considered to be of higher sensitivity than others (for instance, a low sensitivity given to PRoW 080 and 021 and a high sensitivity given to PRoW 012).

6.1.15 The major change to residents has been described as being beneficial at paragraph 5.48, which is reproduced below for clarity:

The overall significance of effects is likely to be major beneficial leading to moderate residual effects as the new planting matures and integrates the scheme into the setting.

6.1.16 Again, this seems to suggest that as the mitigation measures establish that the beneficial effects will reduce over time.

6.1.17 Within GLVIA at paragraph 6.33 it states:

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.

6.1.18 This professional guidance from GLVIA appears to be contrary to the information provided in Table 5 of the UBLVIA and in the way it is interpreted in Table 9.

6.1.19 Furthermore, where the viewpoints are double counted, as is the case with the PRoW 012 which would also fall under the heading Medium and Long Range PRoW. The outcomes suggest that they consider there to be a level of effect and also no effect from the same receptor.

6.1.20 I generally disagree with the receptor sensitivity and of the level of identified change related to the selected groups of viewpoints.

6.1.21 At a post construction stage, I consider the change to users of the footpath network that directly bounds the site at PRoW 082, 021 and 080 to be subject to a very large change. This would combine to give a severe adverse magnitude of change.

6.1.22 Users of St Michaels Rural Footpath 012 would be subject to a medium change. High sensitivity when combined with a medium level of change would combine to give a major adverse change. The change on site is visible from the entire length of the PRoW.

6.1.23 The change to residents that sit close the sites eastern boundary at The Croft and Cherry Hill would be very large. High sensitivity when combined with a very large level of change would combine to give a severe adverse change.

6.1.24 From local transport corridors and roads there will be a number of locations where views of the proposals will be available from the local and wider landscape. These views will however be generally glimpsed and transitional due to observers moving past in vehicles.

6.1.25 Views from Chiswell Green Lane to the south of the site will be available, with a medium sensitivity (as there are no footpaths at this section) road users will be subject to a medium change that would form a moderate adverse effect.

6.1.26 At a residual stage, once mitigation measures have established, there will be some reduction in visual effects from some locations, but these reductions will be limited in local views and from the west at PRoW 012 will still be perceptible.

Overall Section Conclusions

6.1.27 Given the numerous apparent technical variances from the latest published guidance, this reduces the value of the presented information.

6.1.28 It is my professional judgement that the visual changes identified from footpaths adjacent to the site or from other local receptors do not represent the full effects to an observer.

6.1.29 I agree that the retained vegetation that follows the southern boundary will form some limited visual barriers to potential views from Chiswell Green Lane, but the change will be noticeable even through the barrier.

6.1.30 The proposal will introduce built form of a residential nature very clearly into the countryside. This change to the character of the view will be very clear.

6.1.31 I now go on to provide a comparison of the effects within section 7.0 that identifies the disparities between my assessment and those provided within the UBLVIA.

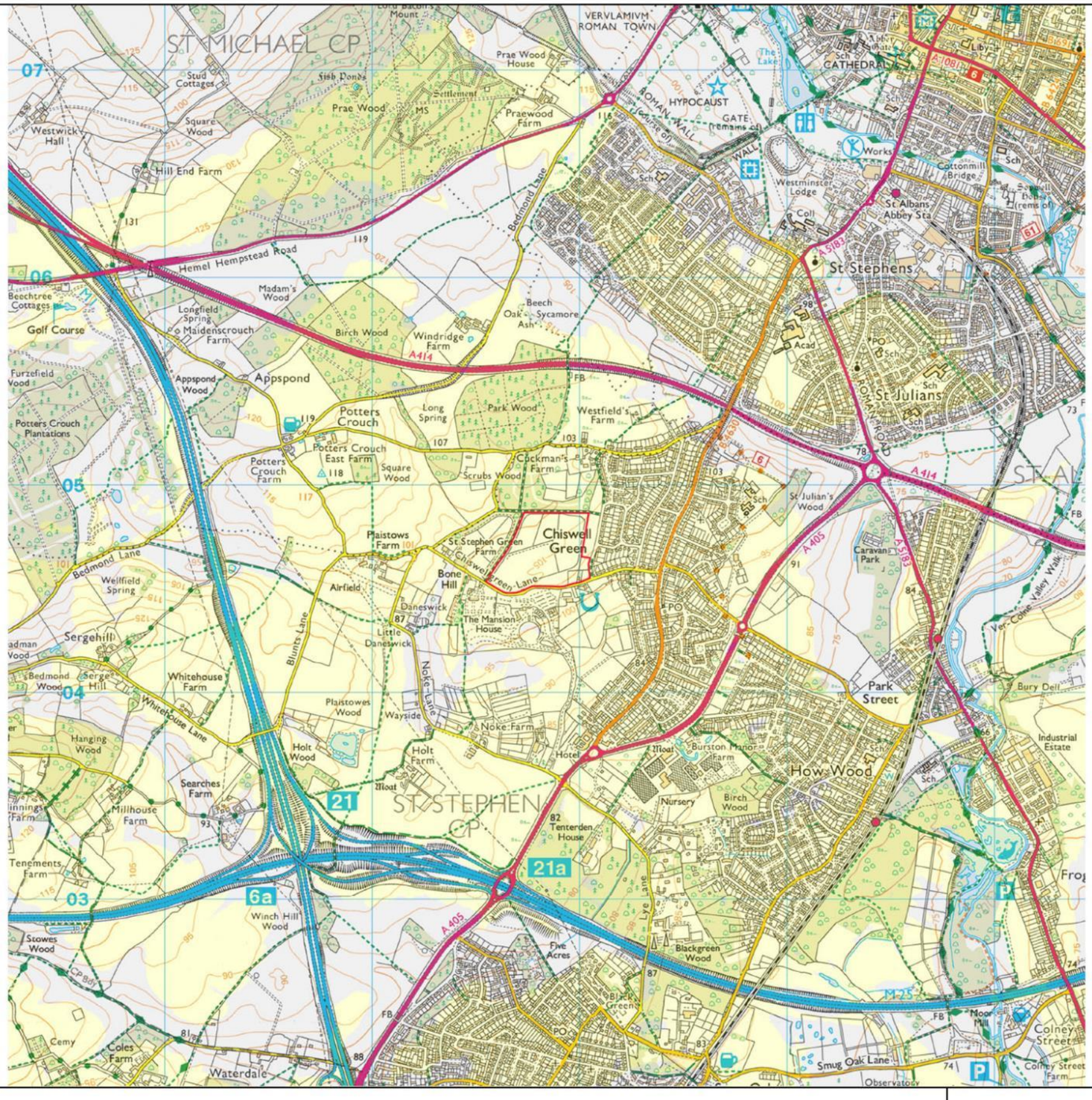
7.0 Visual Analysis

7.1.1 This section provides a non-screened ZTV and photography taken by me on the 14th of March 2023. From this I walked the landscape that surrounds the landscape and tested the visibility of the site form the surrounding area.

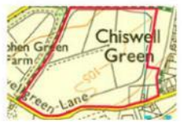
7.1.2 These images illustrate the visual change that will be caused by a development of this nature on views from the surrounding landscape.

7.1.3 Figure 1 shown overleaf illustrates the ZTV and potential areas of visibility.

7.1.4 Figure 2 shows the locations of images based on the ZTV. The images provided are not exhaustive and in total 25 locations were visited for photography, but these locations provide an indication of general visibility from the areas they fall within.



LEGEND



Site boundary

Zone of theoretical visibility

Yellow wash - Potential view

Grey wash - No potential view

NB: Viewshed analysis run with 1.6m viewer height and buildings at a 10m height with mapinfo and represents surface topography, without taking into account potential visual barriers in the form of trees, hedgerows, woodland, buildings and other manmade elements.

N

Drawing: Zone of Theoretical Visibility	Figure No: 1	LVIA Ltd
LVIA ltd Ref: STA1364		
Scale: NTS@A3		

7.1.5 10 metres has been used for the built form height as this has been used in the UBLVIA. When compared with the ZTV provided as Figure 7 of the UBLVIA, the area of potential for visual change is much larger in the wider landscape.

7.1.6 I have visited the site and its surrounding area on more than one occasion and taken some representative images for clarity. The images provided were taken on the 15th May 2023. The weather was clear and overcast.

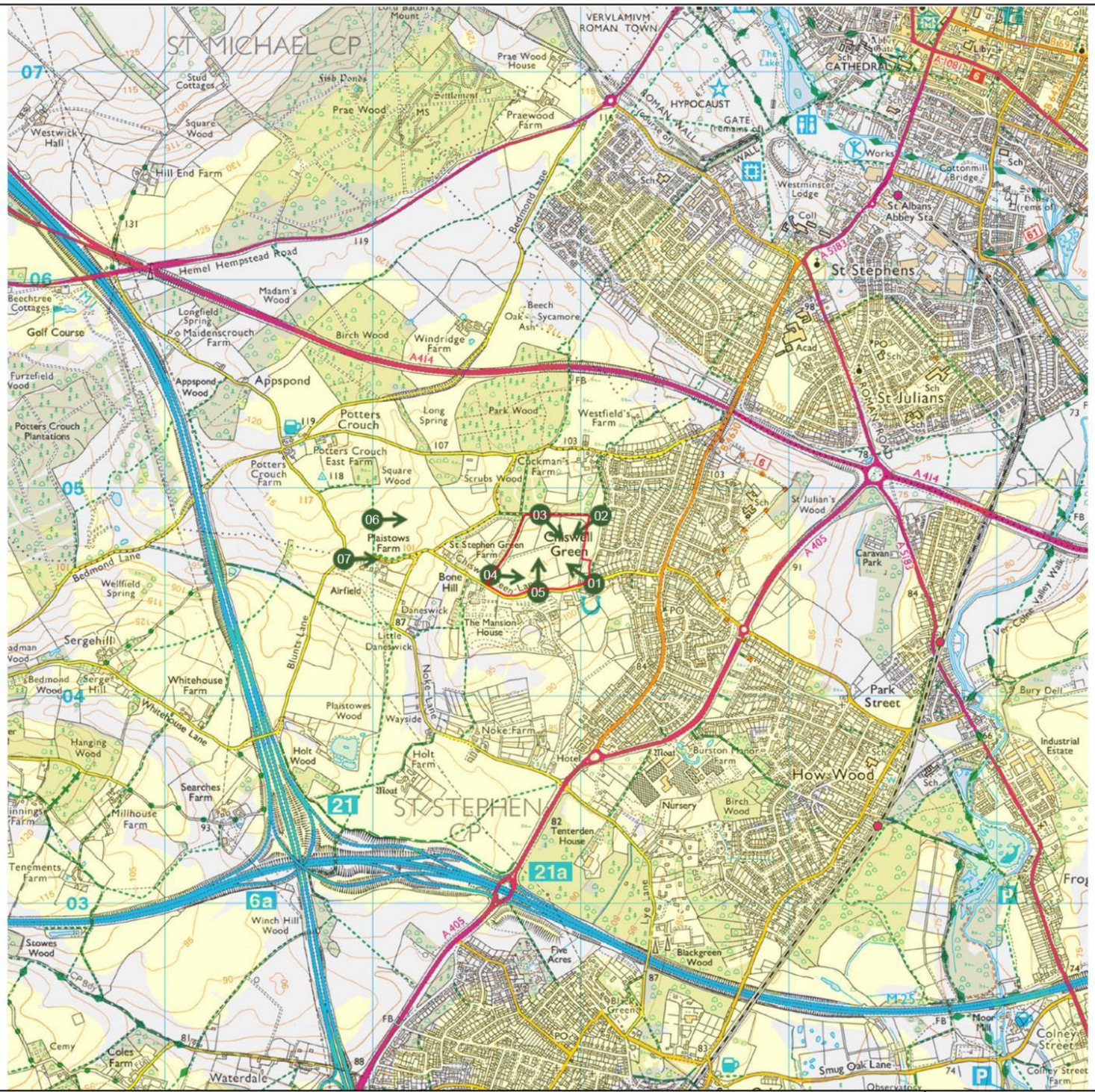
7.1.7 For the field assessment, a Canon EOS 500D camera with an 18-55mm lens was used, set at 35mm focal length. This is in line with best practice as shown in the Visual Representation of Development Proposals technical guidance note issued by the Landscape Institute (Technical Guidance Note 06/19).

7.1.8 In Table 3 below, I set out the predicted amenity effects on the relevant views/receptors. I am using the format provided within the UBLVIA but have adjusted the locations to identify additional receptors/views as I consider useful to identifying visual effects.

Table 3: Visual Amenity Effects

Receptor description	Sensitivity	Post Construction		Residual	
		Magnitude	Significance	Magnitude	Significance
Footpath St Stephen 082	High	Very Large	Severe	Very Large	Severe
Footpaths St Stephen 080 and 021	High	Very Large	Severe	Large	Substantial
Footpath St Michaels Rural 039	High	Large	Substantial	Medium	Major
Footpath St Michaels 012	High	Medium	Major	Small	Moderate
Chiswell Green Lane alongside the sites southern boundary	Medium	Medium	Moderate	Medium	Moderate
Furzebushes Lane	Medium	Small	Minor	Very Small	Slight
Blunts Lane	Medium	Very Small	Slight	Very Small	Slight
Residential Amenity	High	Very Large	Severe	Medium	Major

7.1.9 I consider all of the identified effects to be of an adverse nature.



LEGEND

Site boundary

Viewpoint location

Zone of theoretical visibility

Yellow wash - Potential view

Grey wash - No potential view

NB: Viewshed analysis run with 1.6m viewer height and buildings at a 10m height with mapinfo and represents surface topography, without taking into account potential visual barriers in the form of trees, hedgerows, woodland, buildings and other manmade elements.

N

Drawing: Viewpoint Location Plan		Figure No: 2
LVIA ltd Ref: STA1364		
Scale: NTS@A3	Drawn: SC	Checked: JPF

LVIA Ltd

Viewpoint 1 – Taken from St Stephen PRoW 082; 0.0km looking north west

7.1.10 This view represents the access to the PRoW 082 and Chiswell Green Lane. The foreground is formed by the hedgerow which follows Chiswell Green Road to the west, which allows some filtered views of the landscape beyond and the route of the PRoW alongside a dwelling that is accessed form the road. The fencing denotes the sites boundary at this point and this location will form the sites main access. The change to the current visual baseline will be very large, removing an undetermined length of the hedgerow along Chiswell Green Lane and creating open views into the site.

Viewpoint 2 – Taken from St Stephen PRoW 039; 0.08km looking south west

7.1.11 This view is taken from adjacent to the play area at the access to the PRoW 039. The sites eastern boundary is formed by an evergreen species hedgerow of approximately 2-3 metres height that seems out of character in views. The landscape to the west is distinctly more rural in feel. The change as a result of the proposed development will be clearly visible above the relatively low-level hedgerow. The change to the current visual baseline will be large, introducing built elements to the west of the current settlement edge, removed by the fields that follows Cherry Hill at this point.

Viewpoint 3 – Taken from St Stephen PRoW 080; 0.0km looking south east

7.1.12 This view is taken from adjacent to sites northern boundary from PRoW 080. The sites northern boundary is formed by an evergreen species hedgerow of approximately 2 metres height that seems out of character in views. The change as a result of the proposed development will be clearly visible above the relatively low-level hedgerow. The change to the current visual baseline will be very large, introducing built elements to the south of the hedgerow that will be obvious within the site.

Viewpoint 4 – Taken from St Stephen PRoW 021; 0.0km looking east

7.1.13 This view is taken from adjacent to sites western boundary from PRoW 021. The sites eastern boundary is formed by a linear landscape feature formed by native species trees of varying size and quality. The site can be seen clearly beyond the site boundary vegetation and fencing. The change as a result of the proposed development will be clearly visible. The change to the current visual baseline will be very large, introducing built elements that will be obvious within the site.

Viewpoint 5 – Taken from Chiswell Green Lane; 0.01km looking north

7.1.14 This view is taken from adjacent to sites southern boundary from Chiswell Green Lane. The sites southern boundary is formed by an evergreen species hedgerow of approximately 2-3 metres height that seems out of character in views. Filtered views into the site can be seen through the site boundary hedgerow that has gaps in some locations along its length. The change as a result of the proposed development will be clearly visible. The change to the current visual baseline will be medium, introducing built elements that will be obvious within the site.

Viewpoint 6 – Taken from St Michael PRoW 012; 0.69km looking east

7.1.15 This view is taken from the wider footpath network to the west of the site along PRoW 012. Some partial views of the dwellings that sit the east of the site can be seen set within the generally rural view to the east. The site sits in the intervening landscape and this clear change of a green field to residential dwellings will be of similar level from the entire PRoW 012. In the intervening landscape a number of hedgerows and landscape features sit, but they will only partially filter views some into the site and the settlement will plainly appear to extend to the west towards the viewer. The change as a result of the proposed development will be obvious. The change to the current visual baseline will be medium, introducing built elements that will be obvious within the site.

Viewpoint 7 – Taken from Blunts Lane; 0.77km looking east

7.1.16 This view is taken from Blunts Lane. A number of locations along the road where gaps in the hedgerow that follows it allow, longer range views of the rural landscape towards the site are available. Views of the site are generally filtered by vegetation that sits in the intervening landscape, but 10 metre high built form will be visible. The change to the current visual baseline will be very small, introducing built elements that will be perceptible within the site with some views of lower parts filtered by intervening vegetation.

7.1.17 The photography provided within this section illustrates the change that will take place as a result of a development of this nature and scale.

7.1.18 Although a number of visual barriers sit around the site in the form of hedgerows and trees, the site is still clearly visible from the footpath network that surrounds it and this visibility extends to the landscape to the west of the site.

7.1.19 From the local road network and from local dwellings, there will be clear adverse effects.

8.0 Green Belt

8.1.1 Green Belt is not considered a landscape designation, but as highlighted by the Sam Smith decision (R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3) the visual effects of a development on the openness of Green Belt can be considered of relevance to landscape.

8.1.2 There is a difference between impacts on visual amenity, which are normally considered within the process of LVIA and the visual aspects of openness which are considered as part of Green Belt Assessment.

8.1.3 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.

8.1.4 Openness can have both spatial and visual aspects meaning both visual impacts and volume of development can be of relevance. This is generally considered alongside the duration and remediability of the development and the degree of activity likely to be generated, such as traffic.

8.1.5 This development of a residential nature and therefore considered to be permanent.

Visual Openness

8.1.6 The visual aspect of openness as it relates to the green belt is not measured in the same way as would be the case with a visual assessment. That change is visible is proof of harm in terms of openness.

8.1.7 Consequently, if the proposals are visually intrusive they will affect openness regardless of residual visual effects. That the site is currently seen in the context of the settlement edge is irrelevant, it will appear to extend the settlement to the west. This visual connection with the landscape to the west is common ground and identified within the UBLVIA.

8.1.8 The Green Belt Review Sites & Boundaries Study (February 2014) was published by St Albans City and District Council to provide a detailed and robust assessment of the eight identified strategic sub-areas in the district. The site falls within sub-area S8: Land at Chiswell Green. Page 102 of the document provides a plan which illustrates local key views and areas of higher and lower sensitivity.

8.1.9 The site falls within the west/north area that is identified as being of higher landscape/visual sensitivity.

8.1.10 It is noted on page 101 within the table under the heading landscape character:

The landscape has a very open character and development would completely change this. Any changes to this landscape would be very conspicuous.

8.1.11 It is also noted within the table under the heading views/visual features:

The openness of the landscape means development would be conspicuous from the surrounding landscape, with key visual receptors comprising the residents of dispersed properties and users of the small local roads.

8.1.12 This is identified within the visual analysis of the site. This would contribute to the settlement appearing to extend to the west from the current settlement edge and would negatively affect the fundamental aim of green belt, preventing urban sprawl by keeping land permanently open in visual terms.

8.1.13 Although views of the site from the west contain some limited views of the existing settlement edge that sits somewhat removed to the east of the site boundary at Cherry Hill and The Croft, the proximity of these urban influences and features would do nothing to offset but, on the contrary, would serve to emphasise the permanent loss of openness. Moreover, the mitigation measures such as proposed 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.

8.1.14 With this in mind there will be a very substantial loss of openness.

Spatial Effects

8.1.15 It is stated within the committee report dated 24.11.21 at paragraphs 8.2.4 and 8.2.5:

It is clear that the loss of open Green Belt land would be permanent. The c.14ha of agricultural land is presently open grassed land with low level fencing, with an agricultural building in the south central part of the main field of c.460m² footprint and a small stables building within the paddock area to the east of the main field of c.100m² footprint. Although the exact extent of built form would only be measurable at Reserved Matters stage, the indicative site layout shows a potential realistic layout which has residential properties plus gardens and roadways over c.10ha (c.100,000m²) of the site, with the remaining c.4ha (c.40,000m²) as open space around / within the housing area. The submission states that the intention is for the dwellings to be two or two-and-a-half storeys in height.

The construction of c.330 houses plus associated infrastructure on the site would clearly represent a very significant permanent loss of openness in spatial terms, to this part of the Green Belt, contrary to the aforementioned fundamental aim of Green Belt policy to keep land permanently open. This is the spatial aspect of openness referred to in the part of the NPPG quoted above.

8.1.16 The above described volumes remain an approximation as there are no details of the house types proposed, but using an average dwellinghouse footprint of development seems a reasonable approach.

8.1.17 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.

8.1.18 I therefore consider that in addition to the visual harm to openness there would be a very substantial spatial loss of openness due to the height, volume and scale of the build form proposed.

Activity

8.1.19 Chiswell Green Lane is currently relatively quiet with few vehicular movements and only limited pedestrians present during my visits to site.

8.1.20 As a result of the proposed additional dwellings within the green belt the area will become busier, with additional walkers and vehicular movements related to the sites permanent change to residential development effecting the local and wider landscape.

8.1.21 Vehicular movements in particular are identified and quantified within the relevant evidence base as submitted.

Section Conclusions

8.1.22 As identified within the committee report, spatial harm will clearly occur as a result of this development on an open field.

8.1.23 The change will be permanent, and no remediation can occur that would re-establish the current visual openness. Given the discussion in sections 6.0 and 7.0 of this proof that the effects on the visual baseline will be substantial at a residual stage, this will affect the openness of the visual aspect of the green belt adversely.

8.1.24 Additionally, the additional movement created as a result of the proposed residential site use would increase activity in the surrounding area.

8.1.25 There will be very substantial harm to spatial, and visual openness and activity in the area will increase as a result of the proposals.

9.0 Cumulative Effects

9.1.1 As this site comes forward at the same time as another of a similar scale that is located nearby, the change that will be experienced cumulatively would be greater than if both were considered in isolation.

9.1.2 Although a cumulative assessment is not necessarily required for the non-EIA level LVIA it seems a reasonable assumption that the change that would be experienced as a result of both sites coming forward would be cumulatively larger in experience.

9.1.3 These effects would not be constrained only to landscape and visual change, but also would affect other areas of the baseline.

10.0 Summary Proof and Conclusion

10.1.1 I am John-Paul Friend, I am the Director of LVIA Ltd and I specialise in landscape and visual planning issues associated with development and change. I am a Chartered member of the Landscape Institute.

10.1.2 I have considered the submitted Landscape and Visual Impact Assessment (UBLVIA) and take the view that the LVA process was not undertaken in accordance with GLVIA. There are a number of technical errors that introduce confusion in outcomes. This is likely due to the outdated guidance that has been used for the methodology of the UBLVIA.

Landscape Section Conclusions

10.1.3 It is my professional judgement that the value of the landscape would be medium and that the susceptibility of the site would be medium, giving an overall medium sensitivity.

10.1.4 At a residual stage, i.e. 15 years after the post-construction phase, (approximately 20-25 years after construction works started) the mitigation planting measures will have established and the magnitude of change will be somewhat reduced from most receptors. However, the elements proposed on site; the lighting, vehicular movements related to the site use, and the residents themselves will continue to influence the current baseline. The loss of the current baseline is permanent and irreversible due to the residential nature of the proposal.

10.1.5 It is my professional judgement that the development proposals when located on site would result in the following adverse effects on landscape receptors:

- The changes to LCA St Stephens Plateau will be generally localised and the proposals will result in a slight adverse effect at a residual stage.
- The change to the Landscape Features will be moderate adverse at a residual stage.
- The change to the setting of the site will be moderate adverse at a residual stage.

10.1.6 These are levels of effect one might expect to see with a scheme of this scale.

10.1.7 The UBLVIA appears confused in its use of the nature of effect (valency), with the result creating the impression that they believe the mitigation measures will be less effective at a residual stage; i.e. a major beneficial change post construction reducing to a moderate beneficial change. This seems counterintuitive and would indicate that the mitigation measures were not fit for purpose as the benefit reduces over time.

10.1.8 It would be more reasonable to say that there will be new green infrastructure elements created that will accompany the site, but that there will still be adverse character impacts.

10.1.9 The experience of users of the footpath network that surrounds the site will change completely from the current baseline to that of residential development. This perception of development will extend to the north and west beyond the site along the local footpath network.

Visual Section Conclusions

10.1.10 Given the numerous apparent technical variances from the latest published guidance, this reduces the value of the presented information.

10.1.11 It is my professional judgement that the visual changes identified from footpaths adjacent to the site or from other local receptors do not represent the full effects to an observer.

10.1.12 The visual changes identified in the UBLVIA do not represent the full effects to an observer, in particular from the footpaths that sit adjacent to the north, west and east of the site and from residents that sit close by and from the PRoW 012 that sits to the west.

10.1.13 The suggestion that a beneficial change at a post construction stage would reduce to a less beneficial change is very unclear. It would suggest that the mitigation measures were not fit for purpose, even though I believe that the starting point of this conclusion is wrong.

10.1.14 The proposal will introduce built form of a residential nature very clearly into the countryside. This change to the character of the view will be very clear.

10.1.15 At a residual stage, once mitigation measures have established, there will be some reduction in visual effects, but these reductions will be limited in local views and from the west at PRoW 012 will still be perceptible.

Green Belt

10.1.16 Green Belt is not considered a landscape designation, but as highlighted by the Sam Smith decision (R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3) the visual effects of a development on the openness of Green Belt can be considered of relevance to landscape.

10.1.17 Consequently, if the proposals are visually intrusive at a residual stage, they will form less impact on the green belt than a more visible outcome.

10.1.18 This would contribute to the settlement appearing to extend to the west from the current settlement edge and would negatively affect the fundamental aim of green belt, preventing urban sprawl by keeping land permanently open in visual terms.

10.1.19 There will be very substantial harm to spatial, and visual openness and activity in the area will increase as a result of the proposals.

Cumulative Effects

10.1.20 Although a cumulative assessment is not necessarily required for the non-EIA level LVIA it seems a reasonable assumption that the change would be experienced as a result of both sites coming forward would be cumulatively larger in experience.

10.1.21 These effects would not be constrained only to landscape and visual change, but also would affect other areas of the baseline.

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March 2023

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