

Town and Country Planning Act 1990 (Section 78)

Appeals in relation to: Land to the rear of 96 to 106 High Street,
Colney Heath, Hertfordshire

By Tarmac Ltd

Landscape Rebuttal

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Introduction

- 1.1 This rebuttal has been prepared in response to the proof of evidence by Mr John-Paul Friend on landscape and visual matters produced on behalf of St Albans City and District Council in relation to an appeal concerning proposed residential development at Land to the rear of 96 to 106 High Street, Colney Heath.
- 1.2 The rebuttal seeks to assist the inspector by providing a written response to one particular point raised by Mr Friend in his evidence in relation to identifying an overall level or significance of effect for each landscape and visual receptor. The absence of commentary on any other issues does not mean that these points are accepted. Other points may be addressed further at the Inquiry.
- 1.3 The overall methodology of the Landscape, Visual and Green Belt Appraisal (LVGBA) which was submitted with the application is not disputed by Mr Friend. The methodology is an agreed matter between the Council and the Appellant and was also accepted by the HCC landscape officer in the landscape consultation response (CD 12.4).
- 1.4 Despite this, in para 3.1.6 of his proof, Mr Friend notes that, whilst the sensitivity of each receptor and the magnitude of effect of the proposals on each receptor has been identified in the LVGBA¹, these have not been combined to provide what he calls a 'defined outcome'. Mr Friend then goes on to say '*This is not technically outside of the guidance provided within GLVIA but is an unusual approach*'. He follows this up with a copy of Figure 3.5 from GLVIA which illustrates how the 'Significance of Effects' should be assessed. However, I disagree that the approach adopted in the LVGBA is 'unusual'. I say this because Figure 3.5 is intended for assessments undertaken as part of the EIA process which was not the case in this instance. In Table 3.1 of GLVIA (reproduced at Figure 1 below) the last column identifies the required stages for a Landscape and Visual Appraisal outwith an EIA. This clearly states that 'Assessing the Significance of Effects' is 'Not required' for assessments which are outside the EIA process.
- 1.5 However, notwithstanding the above comments, to assist the inquiry, I have provided a table at Appendix 1 to this rebuttal, which gives an overall level of effect of the proposed development for each receptor. This was assessed based on professional judgement and considered both the magnitude of change due to the proposed development and the sensitivity of the affected receptor which were reported in the LVGBA submitted with the application. The table below has been a tool which has assisted with this process.

¹ In his evidence, Mr Friend refers to the LVGBA as a TLVIA

		Sensitivity			
		High	Medium	Low	Very Low
Magnitude of Change	High	Major	Moderate to Major	Moderate	Minor
	Medium	Moderate to Major	Moderate	Minor	Minor to Negligible
	Low	Moderate	Minor	Minor to Negligible	Negligible
	Very Low	Minor	Minor to Negligible	Negligible	Negligible
	Negligible/None	Negligible	Negligible	Negligible	Negligible

1.6 A judgement on the Type of Effect in terms of whether it is Adverse, Beneficial or Neutral. was made (acknowledging that effects often include a combination of both beneficial and adverse effects). The judgement on the nature of the overall effect was based on the following terms:

Adverse: overall harm to the character/quality of the view and loss of visual amenity

Beneficial: overall improvement to the character/quality of the view and improvement of visual amenity

Neutral: no overall harm or improvement to the view or visual amenity (likely to be the result of a combination of both adverse and beneficial effects or very small changes)

Table 3.1 Components of the EIA process and the role of LVIA

<i>Component of EIA process</i>	<i>Brief description of action in this part of the process</i>	<i>LVIA role in EIA</i>	<i>LVIA role in landscape 'appraisal'</i>
Site selection and consideration of alternatives	Identifies opportunities and constraints relating to alternative options and makes comparative assessments of them in order to identify those with least adverse (or indeed most beneficial) effects and greatest potential for possible mitigation and enhancement.	Required (but alternatives should not be invented and it is acceptable if there are none)	May not be required but considering landscape to inform site selection is good practice
Screening	Determines whether an EIA is needed for the proposed development.	Required – by competent authority	Not required
Scoping	Makes an initial judgement about the scope of the assessment and of the issues that need to be covered under the individual topics or themes. Includes establishment of the relevant study area.	Required	Optional
Project description/ specification	Provides a description of the proposed development for the purpose of the assessment, identifying the main features of the proposals and establishing parameters such as maximum extents of the development or sizes of the elements. Normally includes description of any alternatives considered.	Required	Required
Baseline studies	Establishes the existing nature of the landscape and visual environment in the study area, including any relevant changes likely to occur independently of the development proposal. Includes information on the value attached to the different environmental resources.	Required	Required
Identification and description of effects	Systematically identifies and describes the effects that are likely to occur, including whether they are adverse or beneficial.	Required	Required
Assessing the significance of effects	Systematically and transparently assesses the likely significance of the effects identified.	Required	Not required
Mitigation	Makes proposals for measures designed to avoid/prevent, reduce or offset (or compensate for) any significant negative (adverse) effects.	Required	If required
Preparation of the Environmental Statement	Presentation of the findings of the assessment in written and graphic form.	Required	Appraisal Report
Monitoring and auditing	Monitors and audits the effects of the implementation of the proposal and of the mitigation measures proposed, especially where they are covered by conditions attached to any permission that may be given.	If required	If required

Figure 1: Table 3.1 from GLVIA3

Appendix 1: Summary Table of Landscape and Visual Effects

Landscape Effects

Landscape Receptor	Sensitivity of Receptor ²	Magnitude of Effect – Yr 1 ¹	Type and Level of Effect Yr 1	Magnitude of Effect – Yr 15 ¹	Type and Level of Effect Yr 15
LCA30 Colney Heath Farmland	Medium	Very Low	Minor to Negligible Neutral	Very Low Neutral	Minor to Negligible Neutral
LLCA1 - Farmland	Medium	Low	Minor Adverse	Low	Minor Neutral
LLCA2 - Common	Medium	Negligible	Negligible	Negligible	Negligible
LLCA3 – Colney Village	Low	Very Low	Negligible	Very Low	Negligible
Trees and hedgerows	Medium-High	Low	Minor to Moderate Beneficial	Medium	Medium Beneficial

Visual Effects

Visual Receptor	Sensitivity of Receptor ³	Magnitude of Effect – Yr 1 ²	Type and Level of Effect Yr 1	Magnitude of Effect – Yr 15 ²	Type and Level of Effect Yr 15
Pedestrians and motorists on the High Street	Medium-Low	Varying between Very Low (closer to the Site) and Negligible (majority of the High Street) RV 1: Negligible RV 2: Negligible RV 3: Negligible	Minor to Negligible Neutral	Varying between Very Low (closer to the Site) and Negligible (majority of the High Street) RV 1: Negligible RV 2: Negligible RV 3: Negligible	Minor to Negligible Neutral
Local community	Medium	Varying between Very Low when aligned	Minor to Negligible Neutral	Varying between Very Low when aligned towards	Minor to Negligible Neutral

² From Table 7.1 in the LVGBA

³ From Table 7.2 in the LVGBA

of Colney Heath		towards the Site, and Negligible RV 4: Negligible RV 5: Negligible		the Site, and Negligible RV 4: Negligible RV 5: Negligible	
Users of Colney Heath Common	Medium-High	Negligible (not visible) RV 6: Negligible	Negligible	Negligible (not visible) RV 6: Negligible	Negligible
Users of the surrounding public right of way network	Medium	Varying between Medium (close to the Site) and Very Low RV 7: Medium/Adverse RV 8: Low/Neutral RV 9: Very Low/Neutral	Varying between Moderate Adverse and Minor to Negligible	Varying between Low (close to the Site) and Negligible RV 7: Low/Adverse RV 7: Very Low/Neutral RV 9: Negligible	Varying between Minor Adverse and Negligible