



Land South of Green Lane, Chesterton: Proof of Evidence of Jeremy Smith BSc (Hons), DipLA, CMLI

Appeal Reference: APP/C3105/W/23/3331122

Prepared by:

SLR Consulting Limited

15 Middle Pavement, Nottingham, NG1 7DX

SLR Project No.: 403.065091.00001

8 January 2024

Revision: 03

Table of Contents

1.0 INTRODUCTION	2
Qualifications and Experience.....	2
2.0 REVIEW OF THE LANDSCAPE PLANNING CONTEXT	8
3.0 LANDSCAPE REVIEW OF THE PROPOSALS	21
4.0 POTENTIAL LANDSCAPE AND VISUAL EFFECTS OF THE APPEAL PROPOSALS	24
5.0 POTENTIAL EFFECTS OF THE PROPOSED DEVELOPMENT UPON THE SEPARATE IDENTITIES OF CHESTERTON AND LITTLE CHESTERTON	47
Introduction and Objectives.....	47
Permissions which have Potential to Result in Cumulative Effects	47
Methodology for Assessing the Effectiveness of Gaps between Settlements	48
Principles for Assessing Potential Cumulative Landscape and Visual Effects	50
6.0 RESPONSE TO THE LANDSCAPE AND VISUAL ELEMENTS OF REASONS FOR REFUSAL 1 AND 2, AND THE COUNCIL’S ADDENDUM TO ITS STATEMENT OF CASE	62
Introduction	62
Landscape and Visual Elements of Reason for Refusal 1	62
Landscape and Visual Elements of Reason for Refusal 2	67
The Council’s Statement of Case (and Addendum).....	69
7.0 SUMMARY AND CONCLUSIONS	71
Review of the Landscape Planning Context	71
Landscape Design Review of the Proposals	71
Potential Landscape and Visual Effects of the Appeal Proposals	72
Potential Effects of the Proposed Development upon the Separate Identities of Chesterton and Little Chesterton	73
Response to the Landscape and Visual Aspects of Reasons for Refusal 1 and 2, and the Council’s Criticism of the Allen-Pyke LVA.....	74



1.0 INTRODUCTION

Qualifications and Experience

- 1.1 I am Jeremy Smith, Director with SLR Consulting Limited (SLR). I am the founder member of SLR's landscape architecture practice, which now has over 120 landscape and masterplanning staff across the UK, Australia, New Zealand and USA.
- 1.2 I am a chartered landscape architect with over 32 years of professional experience. I have a first class degree in geography from the University of Nottingham and a post-graduate diploma in landscape architecture from Sheffield University.
- 1.3 Whilst working in landscape practice I have specialised in landscape planning and landscape and visual assessment. I have acted as an expert witness on landscape, visual and Green Belt matters at numerous appeals, giving evidence both for and against development proposals. I have written guidance for Local Authorities such as Oxford and Harrow on protected views, and for Haringey on their Tall Building Strategy. I was one of four landscape architects that recently co-authored new guidance on landscape value and paragraph 174 valued landscapes on behalf of the Landscape Institute ("*Assessing Landscape Value Outside National Designations*", Landscape Institute Technical Guidance Note 02/21, **CD 5.2**).
- 1.4 In August 2023 I was asked by Wates Developments Limited (Wates) if I would give evidence on landscape and visual matters at the inquiry. Having already visited Chesterton and its context in order to advise a private client on the Bicester Sports Association (BSA) application in June 2019 I was familiar with the landscape of the area. By reviewing the BSA, Great Wolf and Siemens permissions, as well as the Regulation 18 Local Plan, I was able to gain an understanding of the evolving landscape context of the appeal site. I also reviewed the Landscape and Visual Appraisal (LVA) prepared in 2022 by Allen-Pike, (**CD 1.3**), and Cherwell District Council's (the Council) comments on that assessment, in order to understand the potential landscape and visual effects of the appeal proposals. Based upon my knowledge of the landscape of the site and its context, in addition to the knowledge gained from my desk top assessments, I accepted the instructions.
- 1.5 The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of the Landscape Institute. I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.



Scope of Evidence

- 1.6 Wates applied for outline approval for up to 147 homes, with public open space (POS) including new sports pitches with associated car parking, landscaping and Sustainable Urban Drainage Systems (SuDS). All matters were reserved with the exception of the means of access.
- 1.7 The application was refused by the Council on 14th July 2023. Three reasons for refusal were given in the Decision Notice, (**CD2.3**), of which Reasons 1 and 2 address matters relating to the potential landscape and visual effects of the appeal proposals.
- 1.8 **Reason for Refusal 1** is set out below, and I have highlighted in bold font those part of this reason which relate to landscape and visual matters and which I have therefore addressed in this proof of evidence:

*The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in [the] village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to [access] existing services and facilities. **The proposals would cause significant adverse landscape and impacts to the settlement character which could not be avoided or mitigated by the proposed development.** Further the delivery of infrastructure necessary to make the development acceptable would not be capable of being accommodated within the village and instead would need to be provided elsewhere which would be predominantly reliant by private car and would be contrary to the aims of sustainable growth of housing across the District set out in the Local Plan and sustainable travel initiatives to use sustainable modes of transport. **The proposals would be harmful development to the village of Chesterton** and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, **ESD13**, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1; saved Policies **C28 and C30** of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.*

- 1.9 **Reason for Refusal 2** is also set out in full below, and I have again highlighted elements of this reason that focus on landscape and visual matters:

The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Green Lane and the



unnamed lane to Little Chesterton, and to the overall character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside in particular to the south and west of the existing village. This combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton. The proposals would therefore be contrary to Policies PSD1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1; saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

1.10 In the Inspector's Case Management Conference of 14th December 2023, the Inspector identified two issues of particular relevance to this proof:

- The effect of the proposed development upon the character and appearance of the village and the surrounding landscape, including ... whether any alleged effects are capable of being mitigated;
- Whether the cumulative effects of the appeal proposal and other developments in and around the village would lead to the loss of its identity by closing the gap between Chesterton and Little Chesterton.

1.11 In addition to these key issues, the Council's Addendum Statement of Case (**CD6.3**) also emphasises concerns expressed in their Statement of Case regarding the conclusions of, and methodology used in the Allen-Pyke LVA. It states that "*the LVA fails to provide detailed narrative or suitable description of the application of the methodology throughout its assessment of effects and as such, it is impossible to understand how the conclusions of the LVA have been reached...*" The Addendum goes on to state that "*the LVA... has underestimated the adverse effects of the development and through its lack of narrative and overreliance on tables does not comply with best practice guidance contained within GLVIA3...*"

1.12 My evidence therefore considers the potential landscape and visual effects of the proposed development, as well as the potential effects of the development upon the sense of separation between Chesterton and Little Chesterton. I have also included a review of the Allen-Pyke LVA, as well as my own, independent appraisal of the potential landscape and visual effects of the appeal proposals.



- 1.13 Issues relating to urban design, settlement form and scale are addressed by Mr Richard Burton of Terrence O'Rourke. Evidence on transport and the accessibility of services is provided by Mr James Bevis of i-Transport.
- 1.14 Evidence on housing land supply is provided by Mr Christopher Roberts of Boyer Planning. Evidence on planning policy and the overall planning balance is provided by Mr Asher Ross of Wates. I refer to the planning policies within Reasons for Refusal 1 and 2, but I defer to Mr Ross on all planning matters and the overall planning balance.
- 1.15 My evidence specifically addresses the following issues:
- Review of the planning context relevant to this proof.
 - Landscape design review of the proposed development.
 - Review of the Allen-Pyke LVA (**CD1.3**) and an independent assessment of the potential landscape and visual effects of the proposals.
 - Consideration of the potential effects of the proposed development upon the separate identities of Chesterton and Little Chesterton, particularly when considered cumulatively with other permitted developments.
 - Response to the landscape and visual aspects of Reasons for Refusal 1 and 2 and the Council's Statement of Case/Addendum SoC
 - Summary and Conclusions.

Definitions

- 1.16 The European Landscape Convention (ELC) defines landscape as "*an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*" (see Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013, GLVIA3, **CD5.1**), paragraph 2.2). As GLVIA3 states, the ELC definition of landscape is inclusive, in that covers "*natural, rural, urban and peri-urban areas*".
- 1.17 Townscape is the character and composition of the built environment, and forms one element of the landscape. Townscape focuses on the buildings and spaces that create character in urban landscapes.



Methodology

- 1.18 The terminology in this proof of evidence follows the guidance of GLVIA3. The detailed methodology used in my own assessment is set out at Appendix A of the Appendices to this proof. Methodologies for preparing the Zones of Theoretical Visibility (ZTVs) and photomontages are also set out in my Appendices, at Appendix B and C respectively. In my assessment, the threshold used for significant landscape and visual effects, (or effects that are regarded as being important planning considerations in non-EIA projects), is anything above moderate, that is Major or Major/Moderate effects, with a concentration of moderate effects also having potential to be considered as significant in some cases. This approach is generally accepted amongst most landscape practitioners.
- 1.19 The methodology used in the Allen-Pyke LVA is set out at section 2.0 and Appendix A of that document. In the landscape officer's response to the application (email from Julie Baxter, 27th April 2023, **CD2.8**), it was stated that "***the LVA is comprehensive and proportionate and within the report a sufficient selection of viewpoints demonstrate the degree to which the site and the proposals may be visible in the near, middle and longer distance views***". However, as I have noted above, the Council has criticised the Allen Pyke LVA in its Statement of Case, and the Addendum to that Statement of Case.
- 1.20 The Allen-Pyke LVA provides a useful review of the potential landscape and visual effects of the proposed development. However, in order to have a thorough understanding of the sensitivity of landscape and visual receptors, and the degree to which these would be affected by the appeal proposals, I have carried out my own, independent landscape and visual appraisal. By doing this I have also been able to review the methodology used in the Allen-Pyke LVA in order to address the concerns expressed by the Council in their Statement of case (and the Addendum to that Statement of Case).
- 1.21 It is important to note that it is accepted practice in landscape and visual appraisal to conclude that the introduction of built form to a green field site will result in negative landscape and visual effects. However, notwithstanding this, it is possible that good design of the proposed building and landscaping could still create successful places with attractive scenic qualities. For this case, a full design review of the appeal proposals is included within Richard Burton's proof of evidence, whereas my own evidence focuses primarily on the landscape and visual effects of the proposals.



Structure of this Evidence

- 1.22 This document is my proof of evidence. Methodologies for my LVA, the ZTV and photomontages, along with assessment tables and new drawings, are included within my appendices. I have also produced a separate summary of my evidence.

The Study Area

- 1.23 It is best practice in LVA to define the study area with the help of a ZTV: GLVIA3 (**CD5.1**) states at paragraph 5.2 that:

“The study area should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner. This will usually be based on the extent of landscape character areas likely to be significantly affected either directly or indirectly. However, it may also be based on the extent of the area from which the development is potentially visible, defined as the Zone of Theoretical Visibility...”

- 1.24 In this context the study area for my own assessment has been defined with the aid of a computer-generated ZTV (see **drawings GLC2a**, which focuses on the appeal site and its immediate context, and **GLC2b**, which shows the wider context). These ZTVs are based upon a combination of topographic survey data, arboricultural survey data, and conservative estimates for the heights of vegetation around the site. Proposed building heights are shown at 9 metres to ridge.
- 1.25 The ZTV in GLC 2a indicates that the visual effects of the proposed development would be largely localised, with views from the site itself in addition to glimpsed views from the within approximately 750 metres of the site boundary to the west, south-west and south-east. Accordingly, the study area for my own assessment focuses on this area, with some reference to the more distant views mentioned in the Allen-Pyke LVA.



2.0 REVIEW OF THE LANDSCAPE PLANNING CONTEXT

Introduction

- 2.1 In this section of my proof I have briefly reviewed the relevant planning policy and history in order to understand the planning context for Reasons 1 and 2 for Refusal. A full consideration of planning policy and history is included within the evidence of Asher Ross to whom I defer on matters of planning judgment; this section focuses only on those aspects relevant to the effects of the development upon character and views.

National Policy

- 2.2 NPPF (December 2023) paragraph 10 states that “*at the heart of the Framework is a **presumption in favour of sustainable development***” (bold text as per NPPF).
- 2.3 Paragraph 135 of the Framework states that “planning policies and decision should ensure that developments (inter alia) “*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*”, “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*” and “*establish or maintain a strong sense of place*”.
- 2.4 The NPPF states at paragraph 180 that “*planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes ... in a manner commensurate with their statutory status or identified quality in the development plan*” and “*(b) recognising the intrinsic character and beauty of the countryside...*”. I have provided further consideration of whether the appeal site constitutes a valued landscape at section 4.0 of this proof of evidence.

Designations

- 2.5 Relevant designations and rights of way are illustrated on figure 2 of the Allen-Pyke LVA (CD1.3, page 4), an extract from which is included below for ease of reference.



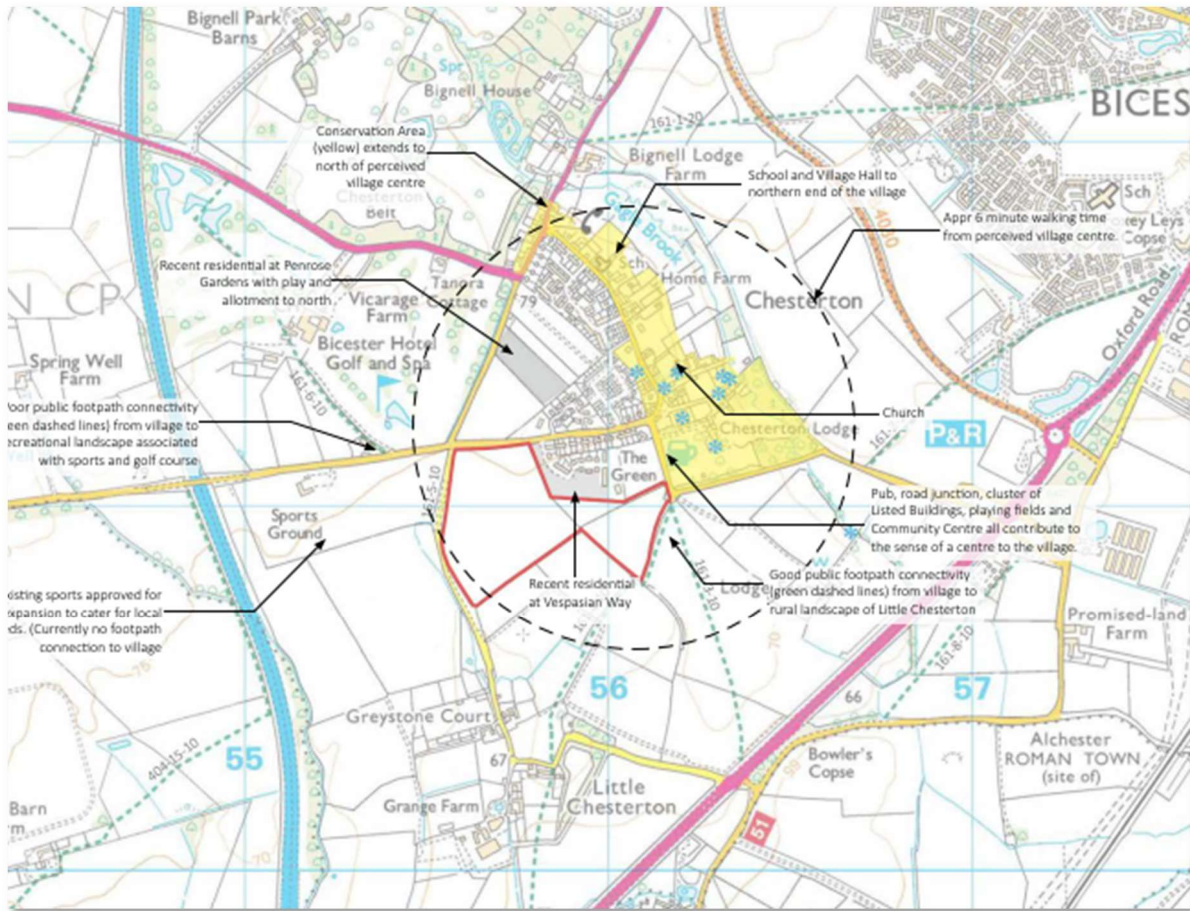


Plate I: Figure 2 from the Allen Pyke LVA illustrating position of the Chesterton conservation area (in yellow) and nearby rights of way.

- 2.6 In summary, **the appeal site is not included within a landscape or landscape-related designation**. There is no formal public access to the site, with the nearest right of way being a short length of footpath (161-5-10) along the north-western edge of the site, and footpath 161-4-10 which passes along the eastern boundary of the appeal site. The Green sports pitches abut the north-eastern edge of the appeal site.
- 2.7 Chesterton conservation area is the nearest landscape-related designation, and this contains a number of listed buildings. As **Plate I**, above, shows, the conservation area abuts a short length of the eastern boundary of the appeal site, and this edge is clearly defined by the Alchester Road and strong tree belts on either side of this road.
- 2.8 There are no Tree Preservation Orders (TPOs) within or immediately adjacent to the appeal site.



The Development Plan

Adopted Cherwell Local Plan 2011-2031 (Part 1), CD3.1

- 2.9 This document contains strategic planning policies for development and was adopted in 2015. The appeal site is not currently allocated for development.
- 2.10 Reasons for Refusal 1 and 2 both cite Policy ESD13, which is of particular relevance to this evidence since it addresses local landscape protection and enhancement, (Policy ESD 15 is also included in both reasons for refusal, but this is addressed in the evidence of Mr Burton). ESD 13 states that “*opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows*”.
- 2.11 ED13 also states that “***development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided***” (my emphasis). Importantly, ED13 does not expect development to preserve landscape character, but instead to respect it. Similarly, it clearly envisages scenarios where some harm to local landscape character may occur, but seeks “*appropriate mitigation*” in those circumstances.
- 2.12 ESD13 states that development proposals will not be permitted if they would:
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features;*
 - *Harm the historic value of the landscape.*

Saved Policies from the Local Plan 1996, CD3.2

- 2.13 Saved policies from this plan, adopted in November 1996, still form part of the Development Plan. Policies C28 and C30, both saved policies, are both included within Reasons for Refusal 1 and 2.



- 2.14 The part of Policy C28 which is of most relevance to this evidence states that the “*standards of layout, design and external appearance ... are sympathetic to the character of the urban or rural context*”.
- 2.15 The section of saved Policy C30 that is of most relevance to my evidence states that “*design control will be exercised to ensure (inter alia) that (i) new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity...*”
- 2.16 As Mr Ross states in his proof of evidence, C28 and C30 are design policies that apply mainly to the Reserved Matters stage of applications. Whilst design matters are addressed primarily in Mr Burton’s evidence, I have also briefly considered the landscape design of the proposals at section 3.0 of my proof.

Emerging Cherwell District Local Plan: Cherwell Local Plan Review 2040, CD3.3

- 2.17 The Council is now preparing a new Local Plan to meet the District’s needs. Consultation on the regulation 18 plan began on 22nd September 2023, and closed on 3rd November 2023.
- 2.18 Core Policy 70 addresses the spatial strategy for the Bicester area, which includes the appeal site and its context. the overall strategy is for this area to “***deliver committed development and be the focus for additional development reflecting the town’s on-going growth and transformation as a sustainable Garden Town and its regional and sub-regional location on the Oxford-Cambridge Corridor...***” (my emphasis).
- 2.19 As part of this strategy a new strategic housing site is proposed at south of Chesterton/north-west of the A41. Draft Policy LPR37A includes the appeal site and land to the south and east of the appeal site within the proposed allocation for 500 homes, all on green field land. The position and extent of this proposed allocation is defined in pale yellow on drawing GLC-1 in my Appendices. In relation to landscape, Appendix 2 of the draft local plan, (page 50), states that “*high and moderate quality mature trees on the site boundaries should be retained where possible and a new area of woodland provided in the southern part of the site*”, that connected green infrastructure should be provided, and that development should respect landscape setting and provide defensible boundaries. The urban design principles include the need to respect the setting of Chesterton conservation area “*and the wider landscape setting*” and that “*development of the site should have regard to Chesterton village settlement pattern and little Chesterton*”. One of the “*key development considerations*” is “*the relationship between the village of Chesterton and Little Chesterton and the new development requires careful consideration including in terms of its design and*



the location of new built development". **The Council has evidently concluded that it is possible to accommodate 500 homes in the locality of the appeal site whilst still maintaining this sense of separation.**

- 2.20 The strategy for Bicester also includes draft employment provision to the south and west of the appeal site. Draft Policy LPR38 proposes 40ha of employment floorspace north of the A41 and east of the M40. The position of this proposed employment land is shown in **pale blue on drawing GLC-1 in my Appendices**. In relation to landscape, the draft policy states that "*proposals to be accompanied and influenced by landscape/visual and heritage assessments*".
- 2.21 The evidence base for this emerging strategy includes the Landscape Sensitivity Assessment prepared by TEP (2022, **CD3.7**). Further analysis of this assessment is provided as part of my landscape and visual appraisal at section 4.0 of this proof.

Relevant Planning Guidance: Cherwell Residential Design Guide, CD3.4

- 2.22 This guidance is an SPD and was adopted on 16th July 2018, and therefore pre-dates the National Design Guide (**CD5.5**, 2019)
- 2.23 In relation to countryside character, the Design Guide refers to the classification of character included in the Council's Countryside Design Summary, which classifies the appeal site, Chesterton and most of the land between the A41 and M40 as being part of the Ploughley Limestone Plateau. The Design Guide also recommends cross reference to the Oxfordshire Wildlife and Landscape study (OWLS), further details of which are included in section 4.0 of this proof.
- 2.24 At section 4 (page 50) the Design Guide advises that when creating a new edge to the settlement "*the masterplan should establish a positive built edge to the development, using built form and planting to frame views into the development rather than to screen it*". Similarly, the Guide states that "*... development should not be hidden behind hedges, especially on key routes*", although it is also noted that "*it is appreciated that in some sensitive locations a strongly planted edge will be appropriate in response to local character*".



Relevant Planning History

2.25 There have been no previous planning applications on the appeal site itself. However, there have been three permissions granted for development in the wider study area that are of relevance to this proof of evidence. These are as follows:

- Bicester Sports Association (BSA);
- Great Wolf;
- Siemens.

2.26 Details relevant to this evidence for each of these permitted developments is set out below, and the location and extent of each is illustrated on **drawing GLC-1 in my Appendices**.

Bicester Sports Association (BSA)

2.27 The BSA permission, gained on appeal, includes a new clubhouse and event space, car parking, storage and maintenance buildings and two floodlit pitches. The appeal decision, (APP/C3105/W/20/3265278, **CD4.2**), issued on 27th August 2021, stated in relation to the potential effects on the character and appearance of the area that the site did not constitute a valued landscape (see paragraph 35), and that “*traffic noise from the M40 has a material effect on the tranquillity of the area, as I experienced on both site visits*” (paragraph 40).

2.28 The Inspector also remarks at paragraph 40 that “*clearly there are elements of rurality here, but I also found a clear and marked distinction with the much less altered and more agrarian landscape to the west of the appeal site immediately beyond the M40*”, (my emphasis).

2.29 The Inspector notes that the area “*is an area of transition where many of the key characteristics of the NCA [National Character Area] are either absent or heavily diluted ... I did not find the field or the surrounding area to be ‘deeply rural’ as the Council contend*”, (paragraph 42, my emphasis).

2.30 At paragraph 51 the Inspector states that the appeal site and vicinity of the site has a “low-medium value and low-medium susceptibility to the development. The overall landscape effects would be moderate adverse.



- 2.31 At paragraph 52 the Inspector notes that the proposals would accord with landscape character guidance by providing green infrastructure, providing new structural planting, and retaining and enhancing the existing field pattern.
- 2.32 In relation the potential visual effects of the development the Inspector concludes at paragraph 60 that “*there would be some highly localised adverse changes*” which would “*significantly reduce over time*”. The inspector concludes that these effects would be minor adverse “*but at no point unacceptably harmful or detrimental to the visual interests of the site’s surroundings*”. Notably, at paragraph 56 the Inspector notes that the greatest visual effects would be for receptors using the unnamed lane to the east (and to the west of the appeal site), but that these would reduce over time due to the proposed landscaping along this edge.
- 2.33 **Plate II**, below, is an extract from the permitted landscape masterplan, which shows the additional planting proposed along the additional planting proposed along the eastern edge of the BSA site.



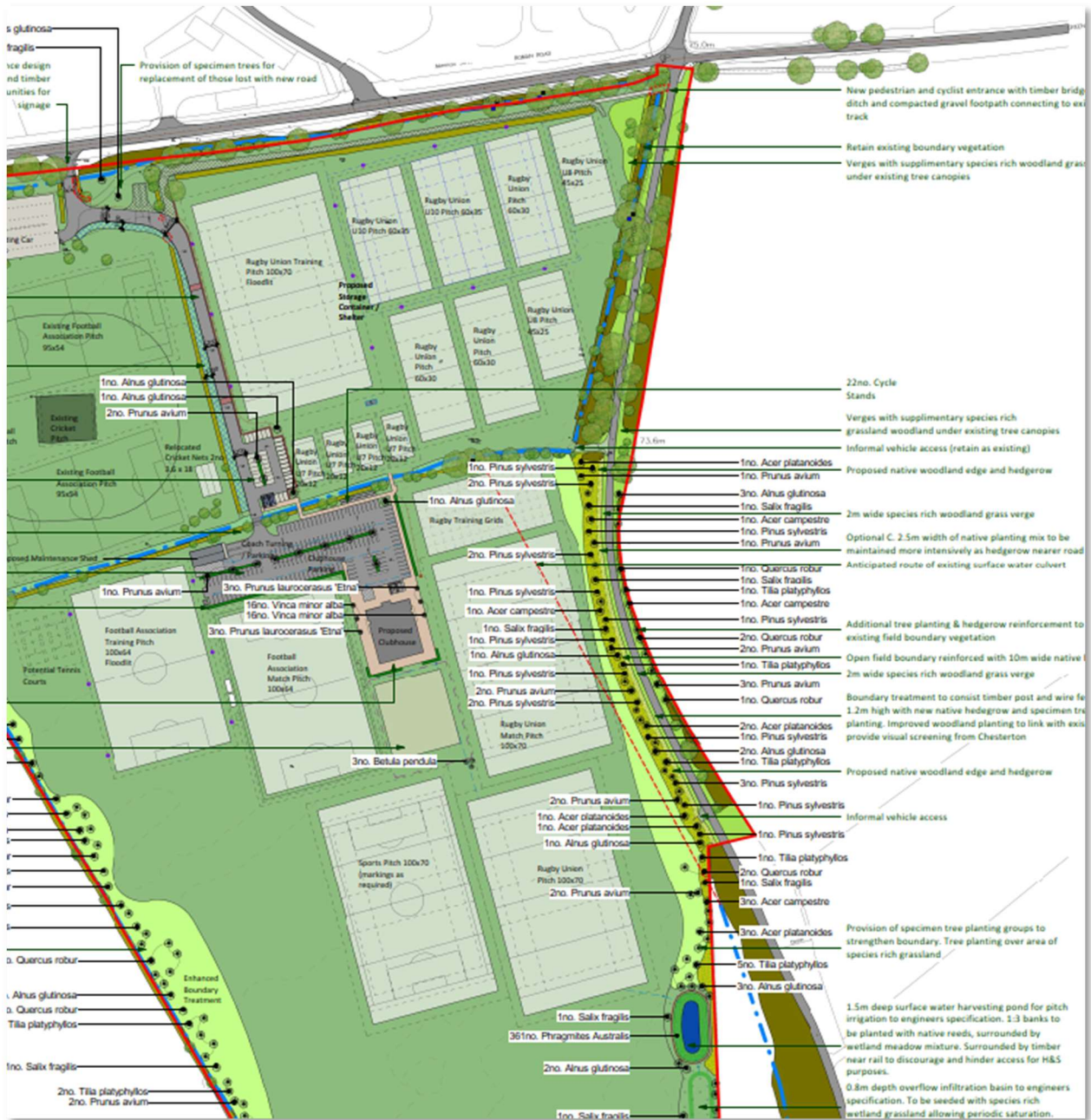


Plate II: extract from the permitted Landscape masterplan prepared by Stride Treglown. Existing trees and shrubs are retained and augmented with further native tree and shrub planting, including a native woodland edge in the central section of the boundary.

Great Wolf

2.34 The Great Wolf permission was for the development of a new leisure park, including a waterpark, family entertainment centre, a hotel and conference facilities with car parking and landscaping on the current Bicester Golf Course. As with the BSA permission, this was again



granted on appeal (Appeal reference APP/C3105/W/20/3259189, **CD4.1**), dated 11th May 2021.

- 2.35 In relation to the potential landscape character of that site and its context, the Inspector notes that the area “*is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted*” (my emphasis, paragraph 24); this is the precise terminology that was then borrowed by the Inspector in the BSA appeal decision, (see BSA section, above). As with the BSA site it was also accepted that the site was not a valued landscape in the sense of what is now paragraph 180(a) of the NPPF.
- 2.36 The Inspector concludes at paragraph 30 that the landscape of the site has a medium value and a low susceptibility to the proposals, and that the magnitude of change for the Wooded Estatelands landscape type would be low to negligible.
- 2.37 It is noted that paragraph 27 that the site is “*visually and physically enclosed by dense mixed tree groups and hedgerows. As such, even in winter there is little or no appreciation of the site from public vantagepoints in the area*”. In this context it is notable that the proposals include a 1.6ha increase in woodland cover, 0.45ha increase in native shrub planting as well as over 2.5km of new hedgerows.
- 2.38 The Inspector concluded that the proposals “*would not have a significant or adverse effect on the landscape character of the area contrary to LP Policies ESD13 and ESD15*” and “*the proposal would not have a significant or material impact on visual amenity...*” (paragraph 43).

Siemens Healthineers

- 2.39 Full planning permission for a new research, development and production facility with associated infrastructure was granted by the Council on 14th April 2022 (planning application reference 22/01144/F).
- 2.40 The application site extends to 19.35ha, and as **drawing GLC-1** illustrates a large proportion of this would be occupied by new buildings and car parking/other hard surfaces. According to the DAS, (page 26) the main building covers an area of approximately 56,162 square metres, and the car parking would include 474 spaces. The Building height would reach a maximum of around 13m above existing ground levels. As **Plate III**, below, illustrates, the building will therefore provide a facility of imposing scale with minimal articulation in the elevations or the roofline.





Plate III: Artist's Impression provided within the DAS, page 36, prepared by SGP Architects

- 2.41 The Committee report (**CD4.6**) notes that the Council had no objections in relation to planning policy, and there is no mention in the report of the Landscape Officer's comments. However, the LVIA that accompanied the scheme concludes that it would result in significant landscape effects on the character of the site itself, on-site landscape features, and the Clay Vale landscape type. Significant effects would also occur for visual receptors on the A41, on footpaths and minor roads close to the site, and residents at Little Chesterton. Some of these effects would persist through construction, operation and year 15, although effects are reported as reducing over time. The LUC Review of this LVA, prepared on behalf of the Council does not present alternative conclusions.
- 2.42 Paragraph 9.7 of the Officer's Report notes that "***the proposals will not have a significant adverse impact on the character or setting of Wendlebury or Little Chesterton or the surrounding environment***" (my emphasis).
- 2.43 At paragraph 9.51 it is noted that Weston on the Green Parish Council and the CPRE considered that the application was contrary to the development Plan, particularly Policy ESD13. The Officer's response to these concerns was that "***the concerns raised about landscape protection and enhancement are considered by Officers not to be so significant as to overturn the position that the scheme is consistent with the adopted policies of the Plan when taken as a whole. The audit of the LVIA submitted by the applicants themselves demonstrates no undue impact causing harm, and given its location adjoining the strategic road network, and a considerable level of existing enclosure by tree and hedgerow boundaries the tranquillity of the site will be made no worse***" (my emphasis).



Responses to the Application: Landscape Officer's Report, 27th April, 2023, (CD2.8)

- 2.44 As I have noted at the introduction to this proof, the Landscape Officer, Julie Baxter, considered that the Allen-Pyke LVA was “**comprehensive and proportionate**”. It was also agreed that the majority of visual effects are contained within one kilometre of the site boundary, with the visual receptors that would be most affected including residents on Vespasian Way, and road users on Green Lane and the unnamed lane to the west of the appeal site. The overall visibility from public rights of way is described as “*limited*”.
- 2.45 The Landscape Officer also notes that “*while there are views from the wider countryside looking towards the site, these would see the site within the wider landscape and within the context of the existing settlement boundary and development edge which has an urbanising influence on the site*”.
- 2.46 However, the Landscape Officer considers that the proposals would cause a significant change to the setting and gateway to the village when approached from the west. It is noted that additional landscape screening is proposed, “*and this in itself suggests that if it is necessary then the development will not fit easily into the landscape*”.
- 2.47 Notably the Landscape officer does not express any concerns regarding the potential effects of the proposals upon the sense of separation between Chesterton and Little Chesterton, either as a result of the appeal proposals in isolation or as a result of cumulative effects with permitted developments such as BSA.

Appeal Documents: Council's Statement of Case and Addendum to the Statement of Case

- 2.48 The Council's Statement of Case, (SoC, **CD6.2**) prepared in December 2023, expresses concerns regarding the potential landscape and visual effects of the proposed development, and notes at paragraph 4.8 that the Allen Pyke LVA understates these effects. Mention is made of the potential cumulative effects on landscape character caused by the appeal proposals in concert with other recently approved schemes, although no mention is made of the specific concerns regarding the potential effects of these cumulative effects on the sense of separation between Chesterton and Little Chesterton.



- 2.49 In the Council’s Addendum to its Statement of Case (Addendum SoC, **CD6.3**) concerns regarding the landscape and visual effects of the proposed development, and the understatement of these effects in the Allen-Pyke LVA, are re-stated. At paragraph 4.8 it is stated that because of the Allen-Pyke LVA’s *“lack of narrative and overreliance on tables”* it does *“not comply with best practice guidance contained in GLVIA3”*.
- 2.50 Unlike the original SoC document paragraph 4.9 of the Addendum states that the cumulative effects of the proposals with other recent permissions might negatively impact on the individual identity of Chesterton and Little Chesterton.

Summary and Conclusions of Planning Context

- 2.51 The appeal site is not within a landscape or landscape-related designation. There is no formal access to the site.
- 2.52 In the adopted Local Plan the appeal site is not allocated for development. However, in the emerging Local Plan, which is at the regulation 18 stage, the appeal site forms part of a proposed allocation for 500 homes. An allocation for employment uses is also proposed to the east of the M40 and west of the A41. Appendix 2 to the draft plan states that one of the key development considerations for this allocation will be the relationship of Chesterton and Little Chesterton. Given that the Council has proposed allocation of the appeal site and land to the south for residential use it has clearly concluded that it is possible to maintain a sense of separation between these settlements.
- 2.53 Three new permissions have been granted in the study area in the recent past, two on appeal and one by the Council. For the two appeal decisions, at Great Wolf and BSA, the Inspectors concluded that the local landscape *“is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted”*. In both cases the Inspectors decided that the landscape was of medium to low sensitivity and not a valued landscape. Both Inspectors also concluded that landscape and visual effects would be localised. The Siemens Healthineers development was determined by the Council, and officers concluded that this large structure and other infrastructure *“will not have a significant adverse impact on the character or setting of Wendlebury or Little Chesterton or the surrounding environment”*.
- 2.54 The Council’s Landscape Officer found that the Allen-Pyke LVA was *“comprehensive and proportionate”*. She agreed that the visual effects would be localised, with the receptors most affected being close to the site itself. The Landscape Officer expressed concerns about the potential effects of the development upon the setting and gateway to the village, although she



did not mention any issues regarding the effects on the sense of separation between Chesterton and Little Chesterton.

- 2.55 In the Council's SoC and Addendum concerns have been raised regarding the conclusions and methodology used in the Allen-Pyke LVA. In the original SoC no mention was made of concerns regarding cumulative effect on the separate identities of Chesterton and Little Chesterton, but this matter was included in the subsequent Addendum SoC.



3.0 LANDSCAPE REVIEW OF THE PROPOSALS

Introduction

- 3.1 In this section of my proof I provide a brief review of the elements of the proposals that have the potential to result in landscape and visual effects. This section is not intended to provide a full design review using the criteria within the National Design Guide, since that exercise is carried out by Mr Burton at section 5.0 of his proof.
- 3.2 The appeal proposals are for outline permission for up to 147 homes, with all matters reserved with the exception of the means of access. In addition, the application is not accompanied by parameter plans. However, the Illustrative Landscape Strategy at figure 10 of the Allen-Pyke LVA (drawing reference 2930-LA-02, **CD1.3**) provides a clear indication of how the proposed development could be configured, and there is also detail of the proposed character areas, building heights, landscaping, materials, *inter alia*, in the DAS.

Main Elements of the Proposed Development that have Potential to Result in Landscape and Visual Effect

- 3.3 As I have noted, the one fixed aspect of the proposals is the means of access, which comprises a single. 5.5 metre wide access road from Green Lane, with two metre wide footways on either side of this road, and a 3m wide cycleway to the north-west corner of the site. There would be no requirement to widen Green Lane, and there is already a newly constructed footway along the southern edge of this lane. The only changes to Green Lane would thus include the introduction of a 20mph speed limit, with new speed restriction signs and road markings. A new gateway feature would be provided at the western end of the lane. These access arrangements are illustrated on i-Transport drawing ITB14377-GA-001, an extract from which is shown below in **Plate IV**.



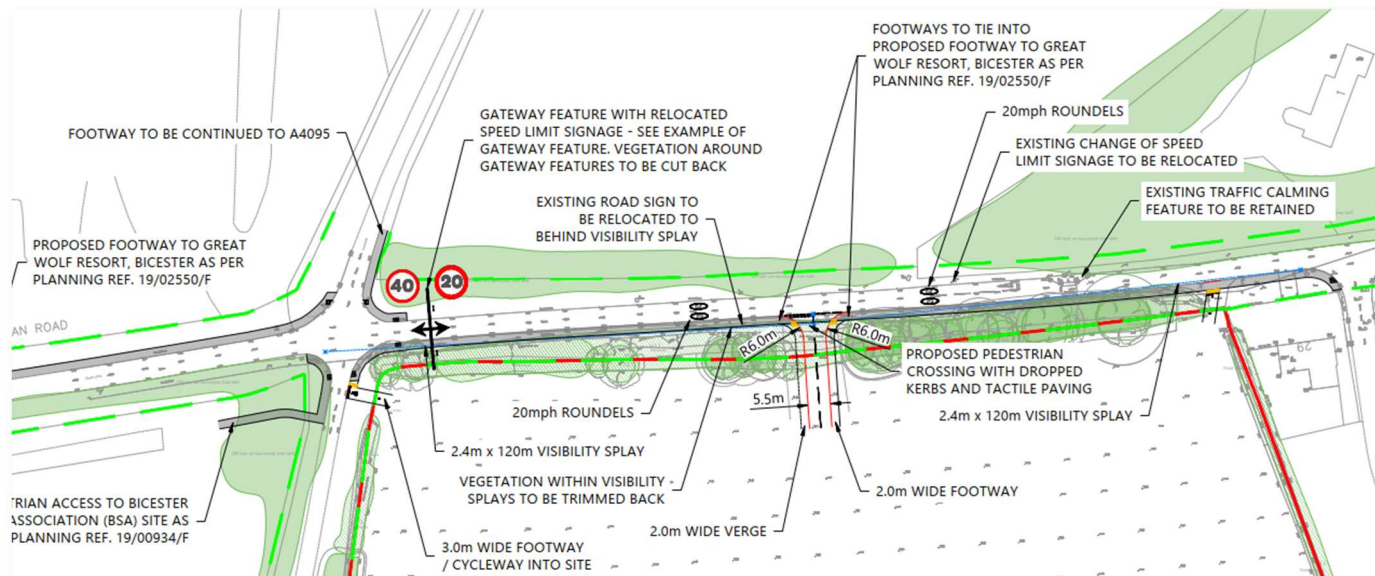


Plate IV: Extract from i_Transport’s drawing showing access arrangements. There would be only minor physical changes to Green Lane since the footway along the southern edge has already been constructed.

3.4 In terms of the outline elements of the proposed development, **one of the fundamental attributes of the proposals is the low density of the proposed development and the large amount of space allocated to landscaping and POS.** With the provision of up to 147 homes on an appeal site approximately 14.9ha in area, the development would **have a gross density across the site would be just 9.86 dwellings per hectare (dph),** with the net density being 30dph. As Mr Burton notes, **66% of the appeal site area (9.8ha) would be allocated for landscaping and POS,** which he concludes is a significant over-provision of POS when assessed against policy requirements.

3.5 This low density has a number of important landscape and visual implications:

- **Large areas of Public Open Space (POS):** the site has sufficient space to accommodate new sports pitches, play equipment, picnic areas and kick-about areas in the eastern field, as well as areas for informal recreation and walking at the southern end of the western field and new footpaths throughout the site, thus providing recreational facilities on fields that currently have no public access.
- **Reinforcement of the characteristic field structure:** there is ample space on the site to both gap-up existing breached hedgerows, and to provide further native tree and shrub planting to reinforce the characteristic field pattern.



- **New habitats:** there is space to accommodate new woodlands, damp meadows, dry meadows, and tree planting areas.
- **Sustainable drainage features with gently sloping margins:** Sustainable urban Drainage Systems (SuDS) can be accommodated throughout the development, and due to the space available can be gently grading features that therefore can also be used for informal recreation.
- **Connected green infrastructure:** there is space to provide meadow walks along greenways between fronting houses, and these walks in turn connect with broad greenways with footpaths around the edges of the site.
- **Community growing:** the landscape proposals include spaces for allotments, community gardens and/or orchards, both on the eastern field but also as part of the meadow walks on the western field.
- **A gradient in density at the settlement edge:** The low density of the proposed housing provides an appropriate gradient from the relatively hard edge at Vespasian Way to the north to the open countryside to the south.

3.6 The DAS notes that building heights would be two storey with pitched roofs, approximately 8 metres to ridge (see DAS, page 40). Building heights and form would thus be similar to existing houses at Vespasian Way.

3.7 The proposed materials identified on page 36 of the DAS would also be appropriate to the local context, including buff stone facades and walling with red brick features, slate roofing, and cobble setts paving.

3.8 **In summary, the Illustrative Landscape Strategy and DAS demonstrates that the appeal site has ample space to deliver a low density residential development that would not only conserve the existing field structure but could also deliver significant areas of new green infrastructure, new habitats as well as new recreational space and footpaths. The height, density and materiality of the proposed built form would be appropriate to the local context.**



4.0 POTENTIAL LANDSCAPE AND VISUAL EFFECTS OF THE APPEAL PROPOSALS

Introduction

- 4.1 In this section of my Proof of Evidence I consider the potential effects of the Appeal proposals upon the landscape of the appeal site and its context, and also on views from publicly accessible viewpoints. The terminology and methodology used in this review accords with GLVIA3, (CD5.1), and is set out in Appendix A of the in my Appendices. My assessment methodology was drafted by a team of experienced chartered landscape architects and expert witnesses including Carys Swanwick, the author of GLVIA3, and myself. The methodology has been applied in numerous proofs of evidence and has been subject to rigorous examination by other parties.
- 4.2 This section initially provides a review of the findings of the Allen-Pyke landscape and visual appraisal (LVA), but then provides my own independent review of the potential landscape and visual effects. My analysis is based upon a desk top assessment of all existing reports and assessments, two site visits in late November 2023, a new Zone of Theoretical Visibility (ZTV, see drawings GLC2a and 2b), and photomontages for three viewpoints showing year 1 and year 15 views.
- 4.3 When considering the landscape and visual effects of any green field residential development **it is important to recognise that it is best practice in LVA to acknowledge that introducing built form to a green field site will result in negative landscape and visual effects.**
- 4.4 It is also important to recognise that even though a proposed development on a green field site will result in negative landscape and visual effects, it can still be a high quality design, incorporating appropriate elements and materials, which creates a distinctive and attractive place to live. In this context the conclusions of the landscape and visual impact assessment, and of my judgments in this section of my proof, should be viewed alongside the conclusions from section 3.0 of my proof and the design review within Richard Burton's proof of evidence



Review of the Methodology and Conclusions of the Allen-Pyke LVA

- 4.5 The Allen-Pyke LVA (**CD1.3**) was prepared in September 2022 by an experienced chartered landscape architect working for a practice registered with the Landscape Institute. An Addendum to the LVA (**CD1.11**) was also prepared by the same landscape architect in June 2023. The Addendum “*provides additional technical evidence to expand the findings of the LVA in relation the effects on landscape character*” (see paragraph 1.4) and also “*provides more detail to aid the reader in understanding the sensitivity of the existing settlement to the proposed change*” (paragraph 1.5). As paragraph 1.3 of the Addendum explains, this additional report has been prepared in response to comments made by Cherwell’s Landscape Officer.
- 4.6 The following review applies primarily to the LVA report, since it is this report that contains the majority of Allen-Pyke’s landscape and visual analysis.
- 4.7 In accordance with best practice, the landscape architect not only prepared the LVA but also used the conclusions of the LVA to help shape the design of the masterplan, as illustrated by the landscape strategy at figure 10 of the LVA.
- 4.8 When assessing the methodology used in any LVA the starting point is the guidance within GLVIA3 (**CD5.1**). However, as GLVIA3 page x states, this guidance “*does not provide a detailed of formulaic recipe that can be followed in every situation – it remains the responsibility of the professional to ensure that the approach and methodology adopted are appropriate to the task in hand*”. Similarly, GLVIA3 is clear that “*professional judgement is an important part of LVIA. while there is some scope for quantitative measurement of some relatively objective matters ... much of the assessment must rely on qualitative judgements*” (GLVIA3, 2.23). GLVIA3 does, however, establish some important assessment principles and some common terminology.
- 4.9 In this context it is notable that the Allen-Pyke LVA does follow the key principles advocated within GLVIA3: for example, landscape and visual effects are assessed separately, effects are determined by combining the sensitivity of receptors with the magnitude of effects, and the assessment follows a clear and transparent methodology which is set out in the appendices. The work has been based upon detailed desk top assessment as well as site assessment. The assessment is clearly set out and supported by an analysis of existing landscape character assessments, a ZTV, and winter photographs from representative viewpoints. The



LVA also clearly sets out the assessed landscape and visual effects of the proposed development, at construction, year 1 and year 15.

- 4.10 As I have noted, the Council Landscape Officer's response to the LVA states that the assessment is ***“comprehensive and proportionate and within the report a sufficient selection of viewpoints demonstrate the degree to which the Site and the proposals may be visible in the near, middle and longer distance views”***, (CD2.8).
- 4.11 The LVA concludes that the proposals would result in localised landscape harm at year 1: there would be substantial adverse effect on the arable fields receptor (LCZ1) in the construction phase, which would become moderate adverse in year 1 and minor beneficial in year 15; similarly there would be a minor adverse effect on the Wooded Estatelands landscape type in the construction phase, becoming minor adverse in year 1 and then minor beneficial in year 15.
- 4.12 In relation to visual effects, the report concludes that there would be localised visual harm in year 1: there would be substantial adverse visual effects on residents at Vespasian Way, vehicle users on Green Lane and the unnamed lane to the west of the site and users of The Green (viewpoints 1, 2, 3, 4 and 5), with all other effects in year 1 being moderate or less. By year 15 all visual effects are assessed as being beneficial or neutral.
- 4.13 The LVA's conclusion that the landscape and visual effects of the proposals would change from adverse to beneficial by year 15 is based upon the premise that *“once structure planting has established, the significance of any effects will be reduced and the positive elements in the view will outweigh the loss of the arable land”* (paragraph 5.13).

Potential Landscape Effects

Existing Landscape Character Assessments

- 4.14 GLVIA3 states at paragraph 5.12 that *“the first step in preparing the landscape baseline should be to review any relevant assessments that may be available at different levels...”*
- 4.15 In this case there is a nested series of existing character assessments, as well as a recent sensitivity assessment, which provide a useful context to the character of the site. The following sections briefly review these classifications at a national, county and district level, and maps showing the extent of the character areas are included at Figures 6 and 7 of the



Allen Pyke LVA (**CD 1.3**, page 9), although for ease of reference an extract from the Chesterton Village Analysis is also included at **Plate V**, below.

National Level: Natural England National Character Areas (NCA, 2015)

- 4.16 As figure 6 of the Allen-Pyke LVA illustrates, the appeal site is at the edge of Edge of NCA 108 – Upper Thames Clay Vales. Key characteristics of this NCA of relevance to the appeal site include “*low-lying clay-based flood plains*”, “*woodland cover is low at only 3 per cent, but hedges, hedgerow trees and field trees are frequent*”. Fields are described as being “*regular and hedged*”.
- 4.17 The appeal site lies close to the adjacent NCA 107 – Cotswolds. This is a very distinctive character area where hedgerows in the river valleys are replaced by dry stone walls on the high wold and dip slopes, and where limestone becomes the predominant material in buildings (rather than predominantly red brick found in the Clay Vales).
- 4.18 The appeal site is thus correctly classified as part of the Upper Thames Clay Vales, and it is also helpful to understand that it is within a transitional zone between two national character areas. However, the extensive scale of the NCAs does not provide a sufficiently detailed analysis of local character to enable the effects of the proposals on local character to be accurately assessed. For that purpose it is important to turn to the county level landscape character assessment.

County Level: OWLS (CD3.9)

- 4.19 At the county scale the Oxfordshire Wildlife and Landscape Study (OWLS) provides a more detailed analysis of landscape character, although it is important to note that this assessment was carried out in 2004 and is therefore somewhat dated.
- 4.20 **Plate V**, below, is an extract from WYG’s Chesterton Village Analysis, which includes a detailed extract of the OWLS landscape types in the locality of the appeal site. The appeal site is located on the southern edge of the Wooded Estatelands landscape type, with land further to the south, around Little Chesterton, being classified as part of the Clay Vale landscape type.



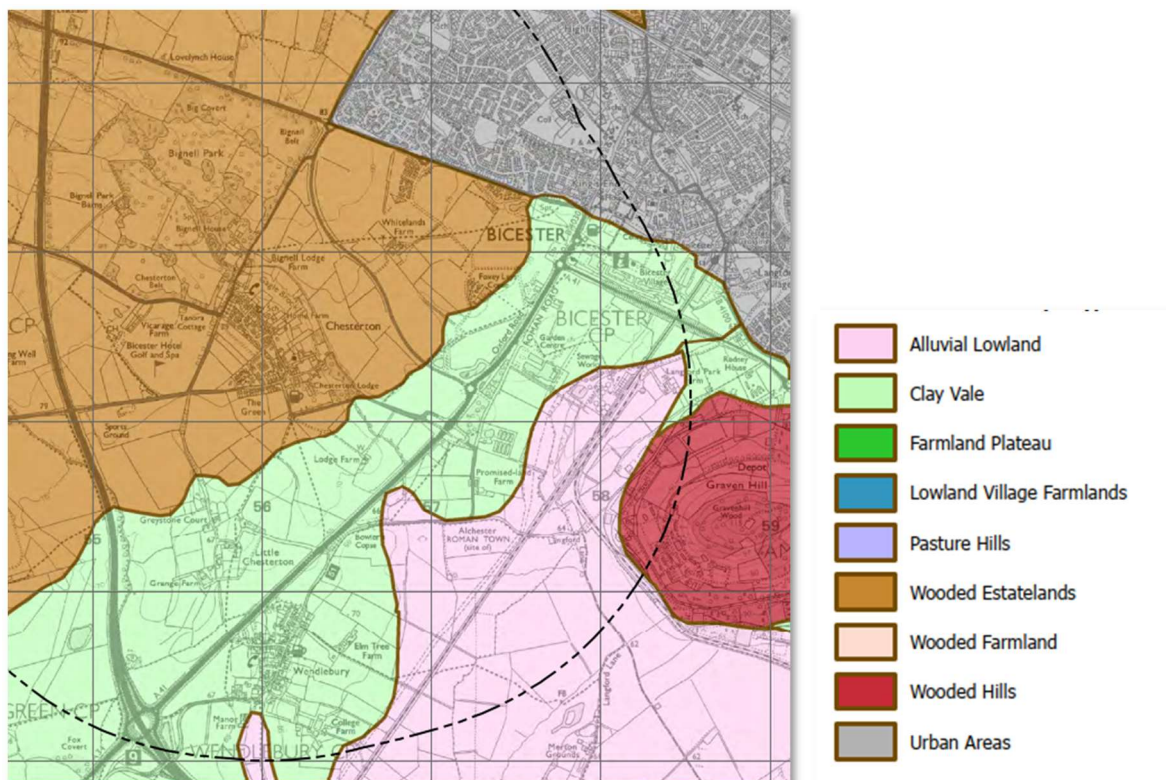


Plate V: Extract from Chesterton Village Analysis, by WYG (June 2017)

4.21 Key characteristics of the Wooded Estatelands landscape type, which are of particular relevance to the appeal site, include the following:

- *Rolling topography*
- *Large blocks of ancient woodland and mixed plantations of variable sizes.*
- *A regularly shaped field pattern dominated by arable fields.*
- *Small villages with strong vernacular character.*

4.22 The Clay Vale landscape type has the following characteristics of relevance to the context of Little Chesterton:

- *A flat, low-lying landform.*
- *Mixed land uses, dominated by pastureland, with small to medium-sized hedged fields.*
- *Many mature oak, ash and willow hedgerow trees.*
- *Dense, tree-lined streams and ditches dominated by pollarded willows and poplars.*



- *Small to medium-sized nucleated villages.*

4.23 OWLS also provides a landscape strategy for the Wooded Estatelands, which includes the need to “*strengthen the field pattern by planting up gappy hedges*”.

District Level: Cherwell Landscape Sensitivity Assessment (TEP, 2022, CD3.7)

4.24 This recent assessment aims to provide a “*comparative assessment of landscape sensitivity and value around **the principal locations** of Banbury, M40 Junction 10, Bicester, Heyford Park and the Kidlington, Yarnton and Begbrooke area*” (my emphasis).

4.25 The assessment follows the methodology advocated in Natural England’s “*Approach to Landscape Sensitivity Assessment*” (2019, **CD5.4**). Conclusions in the study are based upon both desk top assessment and site survey (see for example paragraph 2.11).

4.26 At paragraph 1.4 it is noted that:

“The purpose of the study is to provide a robust and up-to-date evidence base and assessment to inform site selection and future development in order to minimise harm to landscape character and the setting of settlements” (my emphasis).

4.27 The study assesses the sensitivity of land parcels to different types of development, including residential development, logistics and commercial/industrial uses. For residential development, the assessment “*includes dwellings of up to 3 storeys with associated access and infrastructure, including lighting and public open space, at a density of no less than 30 dwellings per hectare (dph)*”, (paragraph 2.14).

4.28 Parcels are assessed on a five point sensitivity scale (see table 1 of **CD3.7**), from high to low, with high sensitivity areas being “*unlikely to be able to accommodate the development scenario without significant change to character of adverse effects*”, and low sensitivity areas being where “*the key characteristics of the landscape are robust and are either unlikely to be subject to change or are not sensitive to the development scenario*”.

4.29 Each of the principal locations is divided into assessment parcels, with the appeal site being included in parcel LS BIC7, “*Little Chesterton and Surroundings*” (see extract from the WYG report included at **Plate VI**, below, for ease of reference).



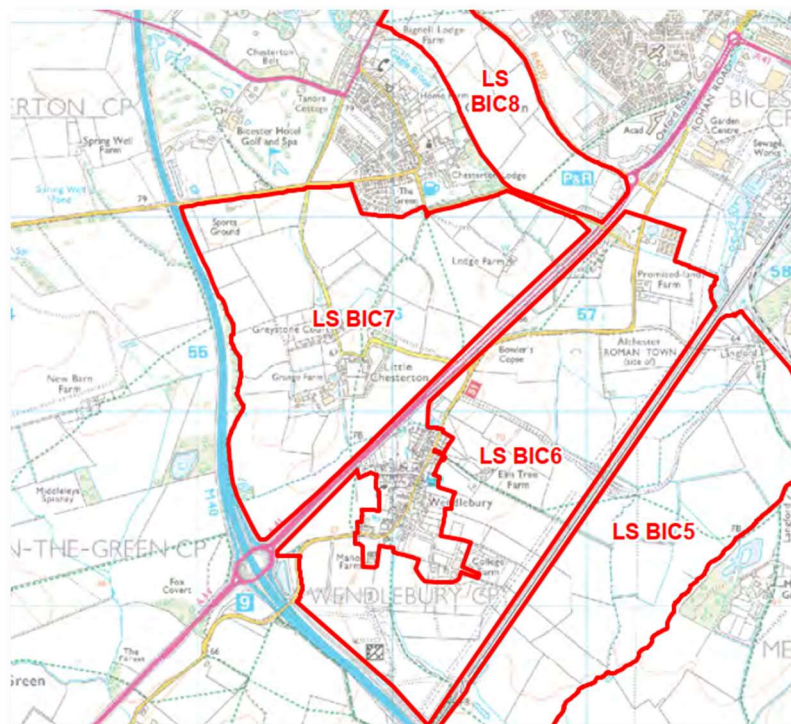


Plate VI: Extract from drawing number G9233.018 on WYG's Cherwell Landscape Sensitivity Study

- 4.30 It is notable that the extent of parcel LS BIC7 broadly accords with the extent of potential visibility of the appeal proposals, as illustrated by the ZTV on drawing GLC2a. The findings of the Cherwell Sensitivity Assessment are therefore of particular relevance to this appeal.
- 4.31 The assessment notes that the assessment parcel is characterised by “*medium scale fields in a predominantly rectilinear pattern, enclosed by hedgerows and mature trees*”, and that the topography is “*gently undulating*”. It is also noted that “*the M40 is a strong urbanising influence and results in audible intrusion. Audible and visual connections to the A41 dual carriageway to the south introduce additional human influences*”. It is noted that the parcel performs a role of separating settlements, including Little Chesterton and Chesterton.
- 4.32 In visual terms, it is noted that “*the hedgerows and tree belts defining the field boundaries limits inter-visibility with the wider landscape*”.
- 4.33 In relation to landscape value, it is noted that “*the landscape makes a limited contribution to the setting of heritage assets*”, “*there are no ecological designations ... and only small areas of priority habitat*” and the area “*offers some recreational value in the form of public footpaths*”.



It is therefore concluded that the parcel is of low landscape value: *“the landscape is likely to be valued by residents and workers within the community but **there is no indication of higher value**”*, (my emphasis).

4.34 **It is concluded that the parcel has low-moderate sensitivity to residential development** (and a moderate sensitivity to commercial development). Low-Moderate is defined in table 1 as:

“Few of the key characteristics and qualities of the landscape are sensitive to change. There is potential to accommodate the development scenario”.

4.35 Page 21 of the assessment summarises the results of the sensitivity assessments for all of the assessment parcels. **It is notable that in Bicester, of the 12 parcels assessed there is no parcel that has a sensitivity lower than low-moderate for residential development.**

4.36 **In fact, of the 55 parcels assessed in the entire study, not one parcel is assessed as having a sensitivity to residential development of lower than low-moderate. This is a particularly important consideration in the context of the present appeal.**

4.37 In the guidance and recommendations, the importance of retaining the pattern of hedgerows is emphasised, as is the importance of retaining the separate identity of settlements.

Local Level: Chesterton Village Analysis (WYG 2017)

4.38 This analysis includes a series of plans, some of which summarise information from other studies (such as the character plan from OWLS, from which **Plate I**, above, has been extracted).

4.39 The *“Village Analysis”* drawing identifies that there are *“middle distance views”* from The Green/Chesterton Cricket Club towards the fields to the south. A number of linear woodland features are also identified to around and to the south of the appeal site.

Existing Landscape Character: the Appeal Site and its Context

4.40 The appeal site itself comprises two medium-sized, gently sloping, semi-enclosed arable fields on the southern edge of Chesterton, (the northern edge of the site is at a level of approximately 74mAOD, whereas the southern edge is just over 71m AOD). Field boundaries comprise largely native hedgerows with some mature but mostly semi-mature hedgerow trees, with some breaches. The arboricultural report prepared by Simon Jones Associates notes that



there are no ancient or veteran trees on site, only two category A trees, 23 category B trees and the remaining 56 trees being assessed as category C. Recent housing at Vespasian Way, to the north of the appeal site, is prominent across the site. Noise from the M40 and A41 is audible across the site. There is no formal public access to the appeal site.

- 4.41 To the north of the appeal site is Green Lane and the settlement of Chesterton. Green Lane has hedgerows to the north and south, and has recently been widened to include a new footway along the southern side. The part of Chesterton which is immediately adjacent to the western field of the appeal site is the recent housing at Vespasian Way, but The Green/Chesterton Cricket Club abuts the eastern field in the appeal site. Further to the east, and separated from the site by a broad tree belt, is the southern end of the Chesterton conservation area.
- 4.42 To the west of the appeal site is an unnamed lane that leads towards Little Chesterton, which is generally enclosed by hedgerows on both sides, although breaches to the east afford views towards prominent housing at Vespasian Way. To the west of the unnamed lane are the grass sports pitches at BSA, which are contained by hedgerows. To the north of the BSA site (and north of Green Lane) there are clusters of industrial buildings, and the Bicester Hotel, spa and golf course.
- 4.43 To the south and east of the appeal site is a patchwork of smaller, generally rectilinear pastoral fields, enclosed by well-established hedgerows with some mature trees. The small settlement of Little Chesterton is largely surrounded by fields and tree belts, although there is a small industrial area to the south-west of the village. Noise from the A41 and M40 becomes far more prominent in this southern part of the study area.
- 4.44 In overview, the character of the locality of the appeal site broadly accords with the transition of character described in the OWLS assessment, with the site being within the Wooded Estatelands and land around Little Chesterton being within the Clay Vale. However, it is notable that the influence of built form and traffic noise across this area has clearly increased since the OWLS assessment was undertaken, a fact that the more recent Cherwell Sensitivity Assessment has clearly acknowledged and which was also acknowledged by the Inspectors for both the Great Wolf appeal and the BSA appeal.



How the Landscape of the Appeal Site and its Context may Evolve in the Future

- 4.45 GLVIA3 states that when describing the landscape baseline it is important to “*describe the landscape as it is at the time but also to consider what it may be like in the future in the absence of the of the proposal. This means projecting forward any trends in change and considering how they may affect the landscape over time...*” (GLVIA3, 5.33, page 86).
- 4.46 In section 2.0 of this proof I noted that there were a number of permissions for new development within the study area, including the new facilities at BSA to the west of the appeal site, Great Wolf to the north-west and the Siemens development to the south. **Drawing GLC1** illustrated the position of these various developments, and the extent of any new built form (as well as new floodlit pitches at BSA).
- 4.47 **In overview it is highly probable that these developments will collectively increase the degree of lighting in the study area, increase traffic movements and noise, and also increase the visibility of built form.**
- 4.48 Drawing GLC-1 also includes the proposed employment and residential allocations as defined in the regulation 18 Local Plan. If these allocations were to be taken forward into the adopted Local Plan then the influence of built form, lighting and traffic noise on the study area would increase still further, with development occupying much of the land between Chesterton to the north, the M40 to the west, and the A41 to the east.
- 4.49 Another consideration is the degree to which the existing planting to the west and south of Vespasian Way might start to filter views of these buildings when viewed from the west and south-west. **Plate VII**, below, is a photograph I took on my site visit in December 2023.





Plate VII: Photograph of existing planting to the west of Vespasian Way, just to the west of Viewpoint 1 (see drawing GLC-3): the western field of the appeal site is at the left of this view. See also Viewpoint 1 on drawing GLC-4.

- 4.50 As **Plate VII** illustrates, this planting is currently between one and two metres high and between three and six metres wide, and includes a range of deciduous shrubs along the western edge of the Vespasian Way development, with a cluster of small number of oaks, (approximately four in total number) to the rear of this shrub belt in this particular location.
- 4.51 It is likely that the shrub planting along this edge would reach a maximum height of around 5 metres by year 15 (assuming that it is not trimmed to a lower height), and when viewed from viewpoints to the west and south-west (see for example Viewpoint 4, **drawing GLC-14**) this has the potential to screen the ground floor of most of the houses on Vespasian Way. It is highly likely that most of the first floor and roof planes for these houses would remain visible.

The Potential Landscape Effects of the Proposed Development

Landscape Receptors

- 4.52 GLVIA3 (**CD5.1**, paragraph 5.34, page 86) notes that the first step in describing landscape effects is to “*identify the components of the landscape that are likely to be affected by the scheme, also referred to as landscape receptors*”. These can include landscape elements or



features, aesthetic and perceptual aspects and overall character. Based upon my description of the landscape of the study area, above, I have selected the following elements and features as landscape receptors:

- Gently sloping arable fields on the settlement edge (the appeal site);
- Smaller scale pasture fields (to the south and east of the appeal site);
- Network of breached hedgerows with some mature and semi-mature trees;
- Chesterton conservation area, to the north-east of the appeal site;
- Sports facilities to the west and north-west of the appeal site (BSA and Bicester Golf Course)

4.53 The following aesthetic receptors should also be considered, for the appeal site and its context:

- Medium scale and semi-enclosed;
- Simple still landscape but with some noise, light diversity and movement from adjacent buildings and traffic.

4.54 And finally the overall character receptors to be considered are as follows:

- Wooded Estatelands east of the M40 and south of the B4030 (includes the appeal site);
- Clay Vale south of Bicester and east of the M40.

Landscape Value and Valued Landscape

4.55 In determining the value of landscapes, GLVIA3 recommends that the starting point should be to consider landscape-related designations. In this context it is important to note that neither the Site nor its immediate vicinity is included within a statutory or non-statutory landscape designation.

4.56 GLVIA3 states that the value of undesignated sites should also be considered. Table 1 of Landscape Institute Technical Guidance Note 2/21 (**CD5.2**) provides the Institute's most up to date guidance on valuing landscapes outside of national landscape designations. A full assessment against these criteria is included in **Table D1 at Appendix D**, and it has been concluded that the value of the site and its immediate context is generally of **community value**: with the exception of Chesterton conservation area the site and its context does not include landscape, ecological or heritage designations. There is also no recreational access



to the appeal site, and the site is influenced by adjacent built forms and traffic noise and movement from the A41 and M40. However, the appeal site and its context remains predominantly rural in character and countryside views will be appreciated by walkers and residents using local rights of way.

- 4.57 These conclusions concur with the findings of the Cherwell Landscape Sensitivity Assessment, which concluded that parcel LS BIC7 was of **low sensitivity**.
- 4.58 The site has no demonstrable physical attributes that elevate this landscape above an ordinary landscape. **The site is not a “valued landscape” for the purposes of NPPF paragraph 180(a), and this is common ground between the parties (Overarching SoCG paragraph 7.9).**

Sensitivity of the Landscape Receptors

- 4.59 In accordance with GLVIA3 the sensitivity of landscape receptors is determined by combining their value with their susceptibility to the type of development proposed. I have set out my detailed assessment for each of the receptors at **table D2 of my Appendix D**, and have provided a summary here.
- 4.60 The arable fields of the appeal site itself have a medium sensitivity to the proposed development, since these are of community value and have a high/medium susceptibility to the proposed development; these fields are inherently susceptible to built development, but this susceptibility is marginally reduced due to the prominence of existing prominent housing at Vespasian Way, to the north.
- 4.61 The pasture fields to the south of the appeal site are of low sensitivity, since these are also of community value but susceptibility is lower; there are no proposals for to make any direct changes to these fields, and the glimpsed views of houses that would occur as a result of the proposed development (illustrated by the ZTV in **drawing GLC2a**) are already experienced in those areas due to the prominence of existing housing at Vespasian Way.
- 4.62 The hedgerows and trees of the appeal site and its wider context also have a low sensitivity to the proposed development, since the low density of the scheme provides ample opportunity to not only conserve existing vegetation, but augment this with further native planting, (as illustrated by the illustrative landscape strategy at figure 10 of the Allen Pyke LVA, **CD1.3**).



- 4.63 The sensitivity of the local area of the Wooded Estatelands would be **medium/low**: this area already contains the BSA, the Bicester golf course and hotel, industrial uses, roads and the village of Chesterton (including recent housing at Vespasian Way).
- 4.64 The Clay Vale landscape type has a low sensitivity to the proposed development, since there would be no direct changes to this area and it is already partly characterised by glimpses of built form as well as traffic noise and movement.
- 4.65 These conclusions concur with the findings of the Cherwell Landscape Sensitivity Assessment, which concluded that parcel LS BIC7 had a **low-moderate sensitivity to residential development**.

Magnitude of Potential Landscape Effects

- 4.66 In accordance with GLVIA3 potential changes to the individual landscape receptors have been assessed in relation to the potential size/scale of change, the geographical extent of change and the duration of change (see also **Table D3 in Appendix D**).
- 4.67 I have concluded that there would be a substantial/medium magnitude of change on the gently sloping arable field receptor, since this receptor is the appeal site, and the proposals would introduce built form into an open agricultural field. The magnitude of change would be marginally reduced due to the existing influence on character of the prominent housing at Vespasian Way; as a result of this the proposal would not be introducing new components into the landscape, but would instead be changing the proportions of existing components.
- 4.68 In contrast, the effects on the pastoral fields to the south of the site, and the network of hedgerows and trees, would be slight: there would be no direct changes to the pasture fields as a result of the appeal proposals, and the majority of existing hedgerows and trees would be conserved and augmented with additional planting.
- 4.69 The magnitude of effect on the character of the local area of the Wooded Estatelands would also be slight. The appeal proposals would result in the introduction of housing to one arable field, and importantly that field is on the settlement edge its character is influenced by existing residential development. Equally importantly, this part of the landscape type is already partly characterised by residential development, sports facilities, roads, traffic noise and lighting, so the development would not introduce anomalous elements into the landscape.



- 4.70 The magnitude of change for the local part of the Clay Vale landscape type would be negligible, since there would be no direct effects on this area, and as the ZTV in drawing GLC2a illustrates there would be only glimpsed views of the proposed development, within an area that already has glimpsed views of built form as well as movement and noise from nearby busy roads.

Assessment of Overall Landscape Effects

- 4.71 **Table D4 in Appendix D** summarises the potential effects of the appeal proposals on each of the landscape receptors.
- 4.72 **In overview, the landscape effects resulting from the proposed development would be localised. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less.**
- 4.73 The effects of the proposals upon the hedgerow network would be minor and positive, due to the potential for additional native planting and the resultant enhancement in biodiversity, and the effects on the pasture fields to the south of the appeal site would be minor and negative. The effects upon the Chesterton conservation area and the sports facilities to the west of the appeal site would be neutral in nature.
- 4.74 The effects on the character of the Wooded Estatelands receptor would be moderate/minor and negative: new housing would be introduced to an arable field, but the effects of this would be largely localised and the area is already partly characterised by areas of residential development, other built form, and the movement and noise from traffic on nearby busy roads.
- 4.75 The effects on the local area of the Clay Vale landscape type would be negligible and neutral: there would be no direct changes to this area as a result of the appeal proposals, and the visual influence of the proposals would be limited to glimpses from locations that can already obtain views of built form.
- 4.76 As I have noted at the introduction to this section of my proof, it is best practice in LVA to conclude that all residential developments on green field sites will result in at least localised landscape and visual harm. Therefore, the conclusion that some landscape harm occurs as a result of the proposed development does not differentiate one green field development site from another, nor does it mean that a site is an inappropriate location for residential development.



Potential Visual Effects

Potential Visibility of the Proposed Development

- 4.77 In accordance with best practice the potential visibility of the proposed development has been objectively assessed using specialised software to create a Zone of Theoretical Visibility (ZTV), see **drawings GLC 2a and 2b**.
- 4.78 As **Appendix B** explains, the ZTV illustrates not just whether the development would be seen from a location, but also what vertical angle of the development would be seen. The ZTV classifies the vertical angle of visibility into three categories: greater than 3 degrees, between 1 and 3 degrees, and between 0.25 degrees and 1 degree. For comparison, an eight metre high building would subtend an angle of 4.58 degrees at 100 metres, 2.29 degrees at 200m, 0.92 degrees at 500 metres, and 0.46 degrees at 1 km.
- 4.79 It is important to note that whilst the ZTV includes some of the existing buildings and vegetation around the appeal site, it does not include all of these: for example, only the most significant tree belts and hedgerows are included, with individual trees and smaller hedgerows being omitted. Furthermore, whilst the height of vegetation around the site is taken from the arboricultural report, the height of trees and hedgerows further from the site is based upon conservative estimates: the height of hedgerows is generally assumed to be only 2.5 metres (whereas mature hedgerows will typically be three to five metres high, or more), and woodland blocks and tree belts are assumed to be only five or seven metres tall, whereas semi-mature and mature trees in this location will typically be between ten and 25 metres tall.
- 4.80 Furthermore, the ZTV does not include any proposed vegetation: for example, if a new, two metre high hedgerow were to be placed on the western boundary of the appeal site (adjacent to the unnamed lane), this would greatly reduce the potential for visibility from the BSA site, since currently there is no hedgerow along part of this boundary.
- 4.81 In addition, and as **Appendix B** states, building heights of 9 metres have been used for the ZTV, whereas the DAS states that ridge heights would be around 8 metres. This slightly higher ridge has been modelled in order to assess a worst-case assessment of potential visibility, since many modern two storey homes are closer to nine metres rather than eight metres.



4.82 As a result, **the extent of visibility illustrated on the ZTV in drawing GLC2a is conservative and worst case.** It follows that **there will be areas which are identified as having visibility which in reality would have no view of the development.**

4.83 Notwithstanding this, the ZTV still illustrates that the visual effects of the proposed development would be almost entirely focused on land to the east of the M40, west of the A41 and south of Chesterton. The ZTV also shows that the majority of views outside of the appeal site (and the BSA) would be between 0.25 and 1 degree vertical angle. These views are typically glimpsed, over hedgerows and between trees. Importantly, these views typically include glimpses of existing built form, for example at Vespasian Way.

Potential Visual Receptors and Representative Viewpoints

4.84 Within the visual envelope of the proposed development (as defined by the ZTV) the following types of visual receptors have the potential to experience changes in their views:

- Residents on the existing settlement edge, particularly at Vespasian Way (approximately 15 homes afford views from ground and first floor windows, and some would also be able to obtain views from gardens);
- Walkers on footpaths, in particular, PRoW 161-4-10 to the south of the appeal site, and 161-5-10 which runs along a short section of the unnamed lane to the west of the appeal site. Views on these routes are intermittent and often glimpsed, and also vary seasonally;
- Pedestrians, cyclists and vehicle users, on Green Lane, to the north of the appeal site, and the unnamed lane to the west of the site. Views are intermittent and glimpsed, and also vary seasonally;
- Those engaged in sports, or spectators, at the BSA site and also at The Green (Chesterton Cricket Club). Again, these views vary seasonally, with visibility decreasing in the summer months.

4.85 I have selected 12 viewpoints to represent these potential receptors, and the position of these is illustrated on **drawing GLC-3. The position of these 12 viewpoints is the same as that used for viewpoints 1 to 12 in the Allen-Pyke LVA**, in order to facilitate a comparison in judgements between these two assessments. Viewpoints A to E are referred to in the gap assessment at section 5.0 of my proof, and I do not rely on these as part of the visual assessment.



- 4.86 The Allen-Pyke assessment included four additional viewpoints (13 to 15) which were over a kilometre from the appeal site. In the Council Landscape Officer's response (**CD2.8**) it is acknowledged the site would not be visible from viewpoints 13 to 15, and the ZTV in drawing GLC2a supports this conclusion. For these reasons these viewpoints are not included in my assessment.
- 4.87 Photographs for all of the representative viewpoints have been provided in **drawings GLC4 to GLC59**, in my Appendices. This drawing set also includes type 3 photomontages, for year 1 and year 15, for three viewpoints: **View 3 on Green Lane**, to the north of the site; **View 4, on the unnamed lane**, to the west of the appeal site and at a point where the existing hedgerow has been largely removed; and **View 5, on a footpath at The Green/Chesterton Cricket Club**. All photographs and photomontages have been prepared in accordance with the Landscape Institute's guidance on "*Visual Representation of Development Proposals*", Technical Guidance Note 06/19, (**CD5.3**) and details of the methodology used is provided at **Appendix C** of my Appendices.

Sensitivity of Visual Receptors

- 4.88 **Table E1 in Appendix E** summarises the sensitivity of the receptors at each of the representative viewpoints. The criteria used for this analysis are taken from GLVIA 3 paragraphs 6.31 to 6.41 (**CD5.1**).
- 4.89 I have assessed the walkers on public footpaths as being of medium value and high susceptibility, and therefore medium to high sensitivity overall. This reflects the fact that these users are often focused on views of the countryside, and rights of way are designated in order to afford the enjoyment of the countryside.
- 4.90 Residents are assessed as being of high susceptibility, but the value of viewpoints such as Vespasian Way is assessed as being low, since this area has no form planning status, is not a visitor destination, and has no known cultural associations. These receptors are therefore assessed as being of medium sensitivity.
- 4.91 Walkers and cyclists on the unnamed lane to the west of the site, (and Green Lane to the north), are of high susceptibility, but the section of the lane which is not public footpath (such as at viewpoint 4) is of low value. Walkers and cyclists on these lanes are therefore assessed as being of medium sensitivity.



- 4.92 Users of the sports facilities at BSA are assessed as being of low susceptibility, since players and spectators would be primarily focused upon sport. The value of the viewing locations at BSA is also low, and as a result receptors in this location are of low sensitivity overall. Users of the sports facilities at The Green are of also of low susceptibility for the same reasons, but the value of the viewing place in this location is medium, due to the proximity of the conservation area and the formality of the footpath upon which the viewpoint is located.
- 4.93 Vehicle users on Green Lane and the unnamed lane to the west of the appeal site are assessed as being of medium susceptibility in a low value viewing place, and consequently these receptors are assessed as being of medium/low sensitivity.

Potential Magnitude of Visual Effects

- 4.94 In accordance with GLVIA3 6.38 to 6.40 I have assessed the potential magnitude of visual effects by considering the size/scale of effect, geographical extent of effect and the duration of effect. I have prepared by own assessment of the magnitude of effects at **table E2 of Appendix E**.
- 4.95 The highest magnitude of visual effects for all of the viewpoints would be at viewpoint 4, on the unnamed land to the west of the appeal site. As the photomontage in **drawing GLC-15** illustrates, this existing gap in the hedgerow would show a clear view of the completed housing in the years following construction, and I have assessed this as being a substantial/medium magnitude of effect (reduced from the highest level of substantial due to the presence of the existing housing at Vespasian Way at the background to this view). However, by year 15, as **drawing GLC-16** illustrates, once the gapping of the hedgerow in the foreground and the trees on the intervening land have matured, the magnitude of effects at this viewpoint would be slight.
- 4.96 There would be a medium magnitude of effect at Vespasian Way, (viewpoint 1), which would reduce to slight once the existing vegetation on the settlement edge starts to mature. Similarly, there would be a medium level of effect at viewpoint 3 on Green Lane in the period following construction (illustrated by the photomontage in **drawing GLC-12**), but as the photomontage for year 15 illustrates (**drawing GLC-13**) this would reduce to a slight magnitude of effect by year 15, due to the maturing tree and shrub planting at the site boundary within and behind the existing hedgerow.



- 4.97 Viewers at Viewpoint 2, on Green Lane (close to The Woodlands) would experience a medium/slight magnitude of effect following construction, as although some of the new houses would be visible at the north-eastern corner of the site these would be seen in the context of existing housing along Green Lane.
- 4.98 For all other representative viewpoints the visual effects would be slight/negligible or less. Two of the viewpoints, viewpoint 10 at Bicester Golf Course and viewpoint 12 at vendee Drive, would experience no visual effects from the proposed development.

Potential Visual Effects of the Appeal Proposals

- 4.99 **Table E3 in Appendix E** sets out a full assessment of the year 1 and year 15 visual effects for each of the potential visual receptor groups at each of the representative viewpoints. **In essence only one receptor group – walkers and cyclists at viewpoint 4, the unnamed lane immediately to the west of the appeal site - would experience short to medium term major/moderate effects**, which is therefore regarded as an important planning consideration. All other visual receptors at all other viewpoints would experience visual effects that would be moderate or less.
- 4.100 Notably, **even at viewpoint 4 the effects for walkers/cyclists would reduce to moderate/minor by year 15**, once the proposed new hedgerow and tree planting at the western edge of the appeal site has reached semi-maturity.
- 4.101 **The visual effects of the proposed development are therefore highly localised** – even more localised than the ZTV suggests, since that is a worst-case analysis of visibility. In the short term there would be moderate effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate effects for walkers and cyclists on the unnamed lane to the west of the appeal site: **all of these receptor groups are within 50 metres of the site boundary, and only one of them would experience short term, major/moderate effects.**
- 4.102 **Furthermore, the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level effect for any of the visual receptor groups would be moderate/minor and negative for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.**



4.103 I reiterate that it is best practice in LVA to assess the introduction of built form to green fields as resulting in at least some localised visual harm. Therefore, the fact that localised visual harm occurs as a result of development on a green field site does not differentiate one green field site from another. The *degree* of visual harm that occurs is, however, a differentiating factor, and, in this context, the fact that the visual effects of the appeal proposals would be highly localised and no more than moderate/minor by year 15 is an important consideration.

The Need to Consider Cumulative Landscape and Visual Effects

4.104 The assessment of cumulative landscape and visual effects is a requirement for EIA projects, but is far less frequently applied to non-EIA projects. This particular proposal has been screened and it has been determined that it is non-EIA. However, Reason for Refusal 2 mentions the “*harm to open countryside*” caused by the scheme “*combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton*”. The Reasons for refusal thus imply some additional harm could result from the cumulative effects of the appeal proposals in combination with other permitted and existing developments, and the particular concern raised is whether these developments might undermine the separate identity of Chesterton and Little Chesterton.

4.105 Similarly, the Inspector’s Case Management Conference (CMC) note, issued on 14th December 2023, identifies issue c as “*whether the cumulative effects of the appeal proposal and other developments in and around the village would lead to the loss of its identity by closing the gap between Chesterton and Little Chesterton*”.

4.106 I have addressed the potential effects of the development upon the separate identities of Chesterton and Little Chesterton within section 5.0 of my proof. This section also specifically deals with the potential cumulative effects of other developments on this sense of separation.

4.107 Given the specific focus in the Reason for Refusal and the CMC note on the separate identities of the settlements, I have not dealt more generally with potential cumulative landscape and visual effects.

Summary of Landscape and Visual Assessment

4.108 The Allen Pyke LVA was carried out by an experienced chartered landscape architect and followed a methodology that accords with the guidance of GLVIA3. The assessment



concluded that the proposed development would result in localised landscape and visual harm in the construction phase and year 1, but that the landscape and visual effects would become beneficial in nature by year 15 due to the establishment of new landscaping and planting.

- 4.109 The Council's landscape officer's review of the Allen-Pyke LVA concluded that it was "*comprehensive and proportionate*".
- 4.110 I have carried out my own landscape and visual appraisal of the proposed development, based upon a thorough desk top assessment of existing policies and character assessments as well as two site visits. I have prepared a computer-generated ZTV and year 1 and year 15 photomontages from three viewpoints. My assessment methodology has been drafted by a team of experienced chartered landscape architects and has been tested at numerous inquiries.
- 4.111 My landscape assessment has concluded that the landscape effects resulting from the proposed development would be localised, and that the site does not form part of a valued landscape. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less. The effects of the proposals upon the hedgerow network would be minor and positive, due to the potential for additional native planting, and the effects on the pasture fields to the south of the appeal site would be minor and negative. The effects on the character of the Wooded Estatelands character type receptor would be moderate/minor and negative.
- 4.112 My visual assessment concluded that the visual effects of the proposed development would also be highly localised. In the short term there would be moderate effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate effects for walkers and cyclists on the unnamed lane to the west of the appeal site: all of these receptor groups are within 50 metres of the site boundary, and only one of them would experience short term, major/moderate effects. I have also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.
- 4.113 The conclusions of my assessment broadly align with those of the Allen-Pyke LVA: both assessments reach the conclusion that there would be localised landscape and visual harm



as a result of the appeal proposals, and both agree that degree of visual harm would diminish over time. The main difference between these assessments is that the Allen-Pyke LVA concludes that landscape and visual effects would become positive at year 15, whereas I conclude that the landscape effects of introducing new homes onto a green field would continue to result in some negative landscape and visual effects beyond year 15. This difference is a result of differing professional judgement, not one of methodological divergence. It is my view that it is best practice in LVA to assess the introduction of built form to a green field site as causing negative landscape and visual effects, and to conclude that at least some of those negative effects will continue to persist even when the proposed landscaping and planting has established and reached semi-maturity; this is a worst-case assessment of effects, adopted by many landscape expert witnesses.

- 4.114 It is in this context that the result of my assessment must be viewed: if it is best practice to conclude that all green field residential developments will result in landscape and visual harm, what differentiates residential developments is not, therefore, whether there is harm or not, but instead the degree of harm.
- 4.115 As I have noted, it is also important to consider the design benefits of the proposals alongside the harm assessed in the LVA, and the results of my assessment should therefore be read alongside my landscape design conclusions at section 3.0 of my proof, and also the conclusions of the design review in Mr Burton's proof.
- 4.116 It is my conclusion, based upon many years of assessing hundreds of residential proposals, that degree of landscape and visual harm resulting from this proposal for up to 147 homes is at the lower end of the scale. The negative landscape and visual effects would be highly localised and would also reduce over time, due to the low density of the development and the considerable space available for recreation, new habitats and additional landscape planting.



5.0 POTENTIAL EFFECTS OF THE PROPOSED DEVELOPMENT UPON THE SEPARATE IDENTITIES OF CHESTERTON AND LITTLE CHESTERTON

Introduction and Objectives

- 5.1 Reason for Refusal 2 states that the proposed development “*would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton*”, and that this “*combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton*”. I have also noted that the Inspector identified in his CMC note that one of the main issues to be discussed was “*whether the cumulative effects of the appeal proposal and other developments in and around the village would lead to the loss of its identity by closing the gap between Chesterton and Little Chesterton*”.
- 5.2 In this section of my proof I therefore consider the existing sense of separation between Chesterton and Little Chesterton, and how this is experienced. I then consider how the proposed development would potentially affect the experience of moving between the settlements, and in doing so I also take account of the potential cumulative effects that may occur as a result of other permitted developments.

Permissions which have Potential to Result in Cumulative Effects

- 5.3 In considering which of the recent permissions within the study area (as set out in section 2.0 of my proof) have the potential to result in cumulative effects I have referred (where relevant) to the landscape and visual appraisals prepared for each of the developments¹, the comments on the applications made by the Council’s Landscape officer (or the Council’s retained consultants), the appeal decisions for Great Wolf and BSA, and have also carried out my own assessment from landscape receptors and viewpoints in the locality of the appeal site.
- 5.4 In my review of the landscape planning context, (section 2.0 of this proof), I have noted that the Inspector for the Great Wolf appeal and the Council’s Landscape Officer both agreed that the Great Wolf development “*will mainly be experienced from the site’s interior, from the perspective of visitors and visual receptors using the interior ProW*” (Response to Comments

¹ For Siemens Healthineers, the LVA was prepared by EDP in November 2021. For BSA the LVIA was prepared by Barton Willmore in May 2019



by the Council's Landscape Officer, Bradley Murphy Design, 5th February 2020). Both of these parties also agreed that the landscape effects of this development would be localised.

- 5.5 My own assessment has also concluded that, due to a combination of distance and intervening mature vegetation (as well as existing buildings), the Great Wolf development will not be visible from the appeal site, Green Lane, the unnamed lane to the west of the appeal site or from Little Chesterton. There is therefore a negligible potential for the Great Wolf development to result in cumulative landscape and visual effects on the sense of separation between Chesterton and Little Chesterton, and for this reason I have not considered this further in this section.
- 5.6 In contrast, the BSA development is located immediately to the west of the unnamed lane that connects Chesterton and Little Chesterton, and there is potential for visibility of that development in combination with the appeal proposals. To a lesser extent there is also potential for views of the Siemens development from points along the unnamed lane between Chesterton and Little Chesterton. As a result, these two permissions theoretically have potential to result in cumulative effects upon the sense of separation between the two settlements, and are considered further in the assessment below.

Methodology for Assessing the Effectiveness of Gaps between Settlements

- 5.7 Maintaining gaps between settlements is important in order to respect the separate identities of settlements, the setting of those settlements, and the landscape character of the wider area. In many authorities gaps are robustly defended with the aid of special designations, such as Strategic Gaps or Green Wedges. In the case of Chesterton and Little Chesterton no such designation exists, but it nevertheless remains an important consideration to maintain the separate identities of these settlements, a fact that is acknowledged in draft policy LPR37a of the emerging Local Plan (see section 2.0 of this proof).
- 5.8 One methodology that is frequently used for assessing the effectiveness of gaps between settlements, and for assessing the potential effects of development upon those gaps, is the **Eastleigh Criteria**. These criteria were first devised in 1998 by the Inspector for the Eastleigh Local Plan Inquiry, and they were subsequently quoted in a report prepared by the Office of the Deputy Prime Minister ("*Strategic Gap and Green Wedge Policies in Structure Plans, Main Report*", ODPM, 2003). I myself have applied these criteria to the assessment of gaps at



numerous hearings and appeals², and they have always been accepted as being thorough and robust.

5.9 The nine criteria, set out at paragraph 4.15 of the ODPM report are set out below:

- *Distance (both the straight-line distance between settlements and the distance that would be travelled between settlements);*
- *Topography (distinctive topography can differentiate settlements on either side of a gap, or can make the gap more effective at creating a sense of separation);*
- *Landscape character/type (the nature of the landscape character between the settlements can help to define the sense of separation);*
- *Vegetation (well-established vegetation in a gap can enhance the sense of separation between settlements);*
- *Existing uses and density of buildings (if a gap contains buildings this may reduce the sense of separation between settlements);*
- *Nature of urban edges (the sense of separation between settlements is not only dependent upon the nature of the gap, but also distinctions between the edges);*
- *Inter-visibility (the ability to see one edge from another – in many cases if the two settlement edges are visible from one another this reduces the sense of separation);*
- *Intra-visibility (the ability to see both edges from a single point – again, if this occurs it can reduce the sense of separation);*
- *The sense of leaving a place and arriving somewhere else (this is the ultimate test for a gap – does it provide a sense of travelling between two different places across an intermediate, distinct landscape?).*

5.10 Gaps between settlements will vary in their size and character – some may be over a kilometre wide and others just a few hundred metres – **the key is whether the factors above work together to maintain a perception of separation between the settlements.** Equally importantly, the careful application of the Eastleigh criteria means that some development within a designated gap could be possible, provided that the sense of separation between settlements is not undermined.

5.11 This essentially qualitative approach to the functionality of gaps has been confirmed in various Policy frameworks for example: The Policy Framework for Gaps produced by the Partnership for Urban South Hampshire (known as PUSH, produced in 2008); The Fareham Landscape Assessment 2017 (LDA) and Core Strategy (adopted 2011); the Horsham District Planning

²Examples include Land South of Winterfield Lane, East Malling (APP/H2265/W/20/3256877); Posbrook Lane, Titchfield (APP/A1720/W/20/3254389); Land East of Gleneagles way, Hatfield Peverel (APP/Z1510/V/17/3180729); also the allocation of 2500 homes in a strategic gap between Horsham and Crawley, Horsham Local Plan EiP.



Framework (adopted 2015); the Basingstoke and Deane topic paper on the function of strategic gaps (2014); strategic gap policy and Tonbridge and Malling Local Plan policy CP5; and the North Warwickshire Local Plan Policy LP5.

- 5.12 In summary, whilst there are many terms being used to define the function of a gap, all are agreed that it should focus on the **sense of separation between settlements, which depends upon several factors rather than just distance and views.**
- 5.13 I have therefore applied these criteria to the gap between Chesterton and Little Chesterton. In my assessment I refer to the LVA viewpoints (referred to at section 4 of this proof and set out on **drawing GLC-3**), as well as additional viewpoints A to E also illustrated on drawing GLC-3.
- 5.14 When applying the criteria I have also considered the potential cumulative effects of the BSA and Siemens development. Further information on the principles of this cumulative assessment are set out below.

Principles for Assessing Potential Cumulative Landscape and Visual Effects

- 5.15 First of all it is important to note that this assessment does not purport to be a full cumulative assessment of the appeal proposals with Great Wolf and BSA. This is because, as explained above, the concern raised in the reasons for refusal about cumulative effects was only in relation to the separate identities of Chesterton and Little Chesterton. **Therefore, the following principles of cumulative landscape and visual assessment are applied only to my analysis of the separation between Chesterton and Little Chesterton, assessed through the Eastleigh Criteria.**
- 5.16 There is no one accepted methodology for cumulative landscape and visual assessments, but GLVIA3 (**CD5.1**) provides useful guidance in key principles which are of particular relevance to this assessment. Paragraph 7.10 of GLVIA3 states that “*in most cases the focus of the cumulative assessment will be on the **additional effect** of the project in conjunction with other developments of the same type ...*”, but “*in some cases development of another type or types will be relevant*”, (my emphasis). The important point here is that a cumulative assessment does not seek to “add-up” all of the landscape and visual effects of various proposals, but instead it aims to establish whether a number the various proposals, when considered



together, could result in additional harm above and beyond the individual harm caused by each project.

5.17 Paragraph 7.25 of GLVIA3 notes that **cumulative landscape effects** can include the following:

- Effects on the **fabric** of the landscape as a result to removal or changes to individual features, or addition of new elements;
- Effects on **aesthetic characteristics** of the landscape, for example its scale, enclosure, diversity, pattern and colour;
- Effects on **overall character**, leading to modifications in overall characteristics.

5.18 Cumulative impacts on visual amenity can be caused by combined visibility and/or sequential impacts:

- *Combined visibility* occurs where the observer is able to see two or more developments from one viewpoint. Combined visibility may either be in combination (where several developments are within the observer's arc of vision at the same time) or in succession (where the observer has to turn to see the various developments).
- *Sequential visibility* occurs when the observer has to move to another viewpoint to see different developments. Sequential impacts should be assessed for travel along regularly-used routes like major roads, railway lines, ferry routes, popular paths, etc. The magnitude of sequential effects will be affected by speed of travel and distance between viewpoints.

Distance

5.19 Currently the minimum, straight line distance between the closest buildings in Chesterton and Little Chesterton is approximately 560 metres. With the appeal proposals (as illustrated on the landscape strategy drawing, figure 10 in the Allen-Pyke LVA, page 23, **CD1.3**), this minimum distance would reduce to 380 metres.

5.20 It is worth noting in this context that gaps between settlements in the UK are often relatively small: gaps of around 200 metres are common. For example, Barford St John in Cherwell District is approximately 275 metres from Barford St Michael, but the character of the two settlement edges and the intervening landscape means that the two settlements remain separate and distinct.



- 5.21 In addition to the straight-line distance, it is also important to consider the distance that would be travelled (for example by car or by foot/cycle) between the two settlements. At present vehicle users would travel along Green Lane and south on the unnamed lane to move between Chesterton and Little Chesterton, a total distance of approximately 920 metres between the nearest houses in each settlement. If the appeal proposals were to be built out, minimum distance by road would reduce to approximately 820 metres, since cars would continue to leave the appeal site by the access on Green Lane, then turn south on the unnamed lane to Little Chesterton. The appeal proposals would thus make no significant difference to the distance travelled by vehicle.
- 5.22 For walkers, the most direct route between the two settlements is on footpath 161-4-10, which passes from the south-eastern corner of The Green, past the eastern boundary of the appeal site to the northern edge of Little Chesterton, a distance of approximately 850 metres. This distance would not change if the appeal proposals were to be implemented, since no additional development would occur that would reduce the footpath length.
- 5.23 In terms of the potential effects of other permitted developments, neither BSA nor Siemens would result in the reduction of the straight-line distance, vehicle travelled distance, or minimum walked distance between the settlements.
- 5.24 **It is therefore concluded that the appeal proposals would retain a sufficient distance between Chesterton and Little Chesterton, measured by both a straight line but also via potential driving and walking routes. There would be no cumulative effects from other permitted developments on this distance.**

Topography

- 5.25 As I have noted in my assessment of the landscape character of the appeal site and its context, the topography of the locality is gently undulating, with the southern edge of Chesterton at approximately 75mAOD, the northern edge of Little Chesterton at approximately 70mAOD, and the intervening landscape gently undulates between these two levels.
- 5.26 The appeal proposals would not result in any significant changes to the levels at either settlement edge, or the intervening landscape. Similarly, neither the BSA development or Siemens would affect the topography between Chesterton or Little Chesterton.
- 5.27 **The proposed development, and other permitted developments, would therefore cause no change to the topography of the two settlement edges or the intervening landscape.**



Landscape Character/Type

- 5.28 I have noted at section 4.0 of my proof that the OWLS landscape character assessment describes a transition of character between Chesterton and Little Chesterton, with the former in the Wooded Estatelands landscape type, whilst the latter is classified as part of the Clay Vale landscape type. This transition is marked locally by a reduction in field sizes and a change from arable to the north to predominantly pastoral to the south.
- 5.29 However, I have also noted at section 2.0 of my proof that the Inspectors for the Great Wolf and BSA appeals recognised that the characteristics reported in published character assessments, “*are either absent or heavily diluted*” in the locality. For example, as one travels south to Little Chesterton there is a decrease in tranquillity due to the movement and noise associated with the A41 and M40.
- 5.30 In this context it is notable that whilst the fabric of the landscape between the two settlements is currently predominantly agricultural, with fields being bounded by generally well-established hedgerows with some mature but mainly semi-mature trees, there is also a clear sense that there is influence on character from adjacent built form and traffic movement and noise. For example, as the existing views for viewpoints 3 (**drawing GLC-4**), 4 (**drawing GLC-14**), 6 (**drawing GLC-27**) and 8 (**drawing GLC- 31**) illustrate, this landscape is also characterised by sometimes open, sometimes glimpsed views of one of the settlement edges, with houses on Vespasian Way being particularly prominent.
- 5.31 The appeal proposals would introduce housing to an existing agricultural field, and in terms of the fabric of the landscape this would lessen the quantity of agricultural land between the two settlements. However, the other fields to the north of Little Chesterton would remain as pasture fields bounded by hedgerows with mature and semi-mature trees.
- 5.32 Importantly, the proposed houses would be introduced to a field the character of which is already influenced by prominent housing at Vespasian Way (see for example the existing view from viewpoint 4, **drawing GLC-14**). The proposals would not, therefore, be introducing an entirely new element into the landscape in this location, but would instead be increasing the influence of an existing characteristic.
- 5.33 Even more importantly, the character of the unnamed lane to the west of the appeal site becomes increasingly enclosed by overhanging trees at the south-west corner of the appeal site and then southwards to the first building at Little Chesterton: this rural lane character and



largely enclosed sequence of views is clearly shown by the photographs from **viewpoints C, D and E in my Appendices** (see **drawings GLC-48 to GLC-58**).

- 5.34 **In this context it is notable that the distance between viewpoints C and the first building in Little Chesterton is approximately 285 metres, providing a very clear section of rural lane between the proposed development and Little Chesterton.**
- 5.35 It is also important to note that the character of the unnamed lane to the west of the appeal site would change over time as a result of the appeal proposals. As the photomontages for viewpoint 4 illustrate (see **drawings GLC-16 and GLC-19**), the reinstatement of the hedgerow along the western boundary of the appeal site, in addition to new tree planting, would largely screen the proposed new homes by year 15, with only filtered views of built form in the winter months. This means that the character of the eastern side of the unnamed lane would become largely rural by year 15.
- 5.36 In terms of the potential visual effects of the development on the character of the fields to the south-east of the appeal site, these are illustrated, in year 1, by the ZTV in drawing **GLC2a**. The ZTV illustrates that there would be potential for glimpsed views of the proposed new homes across these fields, particularly in the winter months and before proposed landscape mitigation planting has established. However, as (for example) the existing view for viewpoint 6 illustrates (**drawing GLC-27**), the existing settlement edge is already visible across these fields, so the proposed development would not fundamentally change the character of this area. Furthermore, once proposed new landscape planting, as illustrated on figure 10 of the Allen-Pyke LVA, has reached semi-maturity by year 15, these views of new homes would reduce significantly.
- 5.37 In terms of the potential cumulative effects of the BSA development on the character of the landscape between the two settlements, as **Plate II** in section 2 of my proof illustrates the permitted club house would be positioned to the west of the unnamed lane, with a floodlit pitch to the west of this new facility. Notably, the eastern boundary of the BSA site is not defined with a hedgerow in this location, and consequently there will be clear views of these facilities in the early years, introducing diversity in form and colours, as well as light to the local landscape. However, as **plate II** also illustrates, the landscape strategy for the BSA site is to provide a substantial landscape buffer along the eastern edge of the pitches, and it is therefore very likely that the majority of views of the clubhouse and pitches would be screened by year 15.



- 5.38 Notwithstanding the short-term effects of the BSA development on the landscape character of the unnamed lane, it is also important to note once more that this does not significantly impact on the length of lane between viewpoint C and the first house at the northern edge of Little Chesterton. This enclosed, rural section of lane, approximately 285 metres long, would remain intact. The BSA development would also have negligible effect on the character of the fields to the south of Chesterton.
- 5.39 In relation to the potential cumulative effects of the Siemens development on the landscape character of the land between the settlements, the LVIA prepared by EDP acknowledges that there would be, for example, moderate adverse visual effects on Siemens viewpoint 6, on the unnamed lane (in a position broadly similar to viewpoint 4 for this appeal) in the construction phase and during the early years of operations. However, this visual influence of built form would again disappear further to the south on the unnamed lane due to the enclosure provided by existing trees and hedgerows south of viewpoint C and continuing to the most northerly building in Little Chesterton. The Siemens development would also be visible to only a minor degree in the fields to the south of Chesterton, (as evidenced by the EDP assessment for Siemens viewpoint 14, south of viewpoint 5 for this appeal), and would therefore have little effect on the character of this area.
- 5.40 In conclusion on this criterion, the existing landscape between the two settlements is already partly characterised by glimpses of built form, and the appeal proposals would introduce new homes to a field that is already influenced by prominent housing at Vespasian Way. The proposals would, however, increase the influence of housing on land south of Chesterton in the short term, although the influence of built form on the character of the unnamed lane would decrease over time once the proposed planting on the western edge has started to mature. The BSA and Siemens developments would also increase the prominence of built form in the landscape between the two settlements, most notably upon the section of the unnamed lane to the west of the appeal site. However, the visibility of the BSA development would greatly reduce over time once proposed landscaping has started to mature.
- 5.41 Critically, even in the worst-case scenario where the appeal scheme and the other two permitted developments occur at the same time, and none of the proposed landscaping has started to mature, a section of the unnamed lane approximately 285 metres long would remain rural and enclosed in character. Similarly, in this scenario the fields to the south of Chesterton, the character of which are already partially influenced by glimpses of built form, would be affected to only a minor degree by appeal proposals**



and the Siemens development, and to only a negligible degree by the BSA development.

Vegetation

- 5.42 The characteristic vegetation between and around the two settlements comprises hedgerows with mature and semi-mature trees along field boundaries as well as along the edge of Green Lane and the unnamed lane west of the appeal site.
- 5.43 The appeal proposals would cause only minor harm to this network of hedgerows in the short term, placing a new access along Green Lane. All other hedgerows would be conserved as part of the proposals.
- 5.44 In the medium to long term, and as illustrated by the illustrative landscape masterplan in the Allen-Pyke LVA, the field boundaries around the edges of the site would be gapped-up and reinforced with further native tree and shrub planting, providing positive effects for the vegetation in the local landscape.
- 5.45 Similarly, the proposals for the BSA scheme would conserve the existing hedgerow network and enhance this with a significant amount of new native tree and shrub planting. The Siemens development would not provide additional trees and shrubs into the landscape between the two settlements.
- 5.46 In overview for this criterion, the appeal proposals would not significantly affect the extent and number of existing hedgerows and trees between the two settlements, and over time the appeal proposals would provide enhancements in the form of gapping up hedgerows and further tree and shrub planting. Similarly, the BSA development would gap-up hedgerows and provide further tree planting, resulting in an enhancement to the vegetation in the locality in the medium to long term.**

Existing Uses and Density of Buildings

- 5.47 The existing gap between the settlements comprises the sports pitches of BSA to the west of the unnamed lane, with a small club house, with open fields to the east of the unnamed lane. The appeal proposals would introduce new homes at a low density to land to the south-west of Chesterton, which would extend the Chesterton settlement edge south by approximately 115 metres. The land to the south of this new settlement edge, southwards to the most northerly building in Little Chesterton, would remain free from buildings. The north to south extent of this open landscape would be approximately 380 metres.



5.48 The BSA development would introduce a new clubhouse to the west of the unnamed lane, and this would be located marginally to the south of the new settlement edge formed by the appeal proposals. However, due to the space between the permitted clubhouse and the eastern boundary of the BSA site, the distance between the southern edge of the clubhouse and the most northerly building in Little Chesterton would be over 400 metres. The Siemens development would not introduce any new buildings between the two new settlements.

5.49 In summary on this criterion, the appeal proposals would introduce low density housing into an existing area of open landscape. However, a significant area of open land would be retained between the two settlements. The BSA development would introduce a new club house into this landscape, but this would not further diminish the extent of this open landscape.

Nature of Urban/Settlement Edges

5.50 The nature of the southern edge to Chesterton and the northern edge of Little Chesterton are both distinctive and very different. The edge of Chesterton is partly defined by the prominent housing at Vespasian Way, to the west, and then by The Green and tree belts around Bruern Abbey school to the east. The setting of this edge is open fields, bound by hedgerows and with mature and semi-mature trees. The northern edge of Little Chesterton comprises a loose cluster of houses, farms and other uses, with a much more vegetated, softer edge.

5.51 The appeal proposals would introduce further homes on the edge of Chesterton, but in the short term would not significantly change the character of this edge, since the existing housing at Vespasian Way would be replaced by new housing of a similar character on the appeal site, there would be an extension to existing recreational uses at The Green on the eastern part of the appeal site, and the landscape and buildings of Bruern Abbey School would remain unaffected by the proposals. All of these elements would continue to be adjacent to open fields to the south of Chesterton.

5.52 In the medium term the proposed new planting on the appeal site (including on the new POS to the east of the proposed housing) would provide a much more vegetated, and therefore softer edge to Chesterton, which would provide a more gradual transition between, the settlement and the adjacent countryside.

5.53 The appeal proposals would result in no change to the nature of the northern edge at Little Chesterton.



- 5.54 Neither the BSA development nor the Siemens development would result in changes to the settlement edges of either Chesterton or Little Chesterton.
- 5.55 **In summary for this criterion, in the short term the appeal proposals would not significantly change the character of the southern settlement edge to Chesterton: the new homes would be placed adjacent to the existing prominent, recent houses at Vespasian Way, the proposed POS would extend the existing POS at The Green, the Abbey Bruern school would remain unaffected, and there would continue to be open fields to the south of the settlement. In the medium term, the proposed planting would provide a softer edge to the settlement and more gentle transition between settlement and countryside. There would be no change to the character of the settlement edge at Little Chesterton, and no cumulative effects on the nature of either edge from other permitted developments.**

Inter-Visibility

- 5.56 Based upon my site assessment I have concluded that there is currently no inter-visibility between the settlement edges, due to intervening vegetation.
- 5.57 The ZTV for the appeal proposals (**drawing GLC-2a**) illustrates that in this worst-case scenario there is some potential for visibility of the proposed new homes from the northern edge of Little Chesterton (for example at viewpoint 8). However, in my assessment of potential visual effects (see for example **Table E3, Appendix E**), I have concluded that the potential magnitude of visual effects at viewpoint 8 would be negligible. Furthermore, I have concluded that there would be no visibility of the development from the northern edge of Little Chesterton on the unnamed lane, due to the well-established hedgerows on either side of this lane (see for example viewpoint E, **drawing GLC-55**).
- 5.58 The other permitted developments are not located on the settlement edges and would therefore not increase the inter-visibility of these edges.
- 5.59 **In summary on this criterion, the appeal proposals would result in only a negligible increase in the potential for inter-visibility between the settlement edges. The other permitted schemes would have no effects on the inter visibility of the edges.**



Intra-Visibility

- 5.60 As I have noted, there are already points within the landscape between the two settlements where one of the settlement edges can be seen, but on my site visits I did not identify any publicly accessible locations where both edges could be from the same place.
- 5.61 As the ZTV for the appeal proposals illustrates (**drawing GLC-2a**) it would be theoretically possible to gain views of the new housing at the appeal proposals from a number of points in the landscape between the two settlements. However, as I have illustrated through my visual assessment many of these views would in reality be no more than glimpses, and many would not be available in the summer months.
- 5.62 Furthermore, the settlement edge at Little Chesterton is much less prominent and dense than the existing edge at Vespasian Way, and consequently visibility of this edge diminishes once walkers/vehicle users move only a short distance from the settlement (for example see Viewpoint D, **drawing GLC-53**, or viewpoint 7, **drawing GLC-28**). There would therefore be only a negligible potential for intra visibility of the settlement edges if the appeal proposals were implemented.
- 5.63 The other permitted developments are not located on the settlement edges and would therefore not increase the intra-visibility of these edges.
- 5.64 In summary on this criterion, the appeal proposals would result in only a negligible increase in the potential for intra-visibility between the settlement edges. The other permitted schemes would have no effects on the inter visibility of the edges.**

The Sense of Leaving a Place and Arriving Somewhere Else.

- 5.65 At present a walker, cyclist or vehicle user can move between Chesterton and Little Chesterton either on the unnamed lane (west of the appeal site) or on footpath 161-4-10. In both cases there is currently a clear sense of leaving the edge of Chesterton, with its relatively low density but sometimes prominent housing, travelling through an intermediate largely agricultural landscape, then arriving at the very low density, vegetated edge of Little Chesterton. Along this journey – whether by lane or footpath – travellers will see glimpses of built form, particularly at Vespasian Way on the edge of Chesterton, but also on the edge of Little Chesterton when in close proximity to that settlement. In summary there is a clear sense of leaving one place, travelling through a distinct intermediate landscape, and arriving somewhere else.



- 5.66 If the appeal proposals were to be implemented then in the short term, before the proposed planting has matured, there would be an increased visibility of the new housing on the appeal site at the northern end of the unnamed lane; although as the existing view from viewpoint 4 illustrates (see **drawing GLC-14**), the existing housing at Vespasian way is already clearly visible from this same viewing place. However, a section of the unnamed lane approximately 285 metres long (from viewpoint C to the first house at the northern edge of Little Chesterton) would remain rural and enclosed in character. The character and length of this enclosed lane would ensure that there remains a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, then arriving at a very different settlement.
- 5.67 Once the proposed planting on the western edge of the appeal site has started to mature, views of the proposed development would be largely screened from the unnamed lane, and the sense of leaving Chesterton would occur on Green Lane, with the unnamed lane being a largely rural route.
- 5.68 When using the footpaths linking Chesterton and Little Chesterton, users would leave the edge at Chesterton, which would be similar to the character of the existing edge, walk through open agricultural fields with some glimpsed views of the proposed new homes at the appeal site (similar to the existing glimpsed views of housing at Vespasian Way), then after passing through further fields would arrive at the distinctive, low density and more vegetated settlement edge at Little Chesterton. Once the proposed planting around the edges of the appeal site, and the proposed new POS, has started to mature, the glimpsed views of the proposed new homes would reduce in number and extent, intensifying the agricultural character of the landscape in the gap and therefore increasing the sense of separation between the settlements.
- 5.69 In relation to the potential cumulative effects of the other permitted schemes upon the gap, I have noted that the new club house at the BSA site would be visible in the early years before the proposed new landscaping has established. At this point there could therefore be combined visibility, in succession, of both the BSA clubhouse and the proposed residential development at the appeal site, from the approximate location of viewpoint 4 and for a length of the unnamed lane that is around 130 metres long. Even in this worst-case scenario, there would still remain the enclosed, rural section of the unnamed lane, south of viewpoint C and approximately 285 metres long, which would continue to provide a clear sense of leaving Chesterton, travelling through the countryside and then arriving at Little Chesterton.



- 5.70 Once the proposed planting on the eastern edge of the BSA has started to mature, certainly by year 15, the rural nature of the unnamed lane would be extended further to the north, with both the appeal scheme and BSA scheme having replaced the currently breached sections of hedgerow to the west and east of the lane. At this point the sense of separation between the settlements would increase further, as the rural character of the gap is enhanced.
- 5.71 I have also noted that the BSA development would also have negligible effect on the character and views of the fields to the south of Chesterton, ensuring that this area remains predominantly agricultural and rural in character.
- 5.72 In relation to the potential effects of the permitted Siemens development upon the sense of travelling through an intermediate landscape, I have noted that there is potential for visibility of this development on the unnamed lane at a location close to viewpoint 4 – however there would be no visibility of this development between viewpoint C and the northern edge of Little Chesterton, since this section of the lane is enclosed by existing hedgerows and trees. I have also noted that the Siemens development would be visible to only a minor degree in the fields to the south of Chesterton, and consequently would have little effect on the predominantly rural character of this area.
- 5.73 In summary, the appeal proposals would continue to provide a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving at a different settlement, whether by footpath or by the unnamed lane. Once the proposed planting around the appeal site has started to mature, this sense of separation would be increased, but even at year one there would be a minimum of 285 metres of rural, enclosed lane between the settlements that would provide a clear sense of separation, and this distance is similar to that found between other settlements in the District. I have also concluded that the other permitted schemes would not cumulatively undermine the clear sense of separation between the two settlements.**



6.0 RESPONSE TO THE LANDSCAPE AND VISUAL ELEMENTS OF REASONS FOR REFUSAL 1 AND 2, AND THE COUNCIL'S ADDENDUM TO ITS STATEMENT OF CASE

Introduction

- 6.1 In this section of my proof I have sought to respond to the landscape and visual concerns raised in Reasons for Refusal 1 and 2. Each element of the reasons for refusal is addressed in turn, as are the relevant policies cited within these reasons.
- 6.2 In addition to the matters raised in the Reasons for Refusal, the Council's Statement of Case (and the Addendum SoC) raises concerns regarding the Allen Pyke LVA. I have also addressed this matter below.

Landscape and Visual Elements of Reason for Refusal 1

The proposals would cause significant adverse landscape and [visual] impacts to the settlement character which could not be avoided or mitigated by the proposed development.

- 6.3 As I have noted in the introduction to my proof, it is best practice in LVA to acknowledge that all green field residential developments result in at least localised landscape and visual harm. This fact has been accepted by the vast majority of landscape architects and has also been recognised by nearly all Inspectors. It follows that if housing is required on green field sites, there will inevitably be some landscape and visual harm; what is essential is that those developments are designed as sensitively as possible, such that some enhancements can be achieved and so that the harms can be minimised.
- 6.4 One of the most important ways in which landscape and visual harm can be minimised is by only developing homes in landscapes which are less sensitive to change – in other words those landscapes which are less valued and less susceptible to the change that residential development would cause.
- 6.5 In this case it is common ground that the appeal site does not form part of a valued landscape. The appeal site also forms part of an assessment parcel which the Cherwell Landscape Sensitivity Assessment has concluded is of low value and moderate susceptibility, and thus low to moderate sensitivity overall. The assessment defines low to moderate sensitivity as



being “few of the key characteristics and qualities of the landscape are sensitive to change” and “there is potential to accommodate the development scenario”.

- 6.6 Similarly, the Inspectors for the Great Wolf appeal and the BSA appeal concluded that the character of the locality was of low value, and not suitable to be considered as a valued landscape. The Inspector for the BSA inquiry stated that the local landscape “*is an area of transition where many of the key characteristics of the NCA [National Character Area] are either absent or heavily diluted ... I did not find the field or the surrounding area to be ‘deeply rural’...*”. Both Inspectors also noted that traffic noise from the M40 and A41 also has a significant effect on the tranquillity of the area.
- 6.7 According to the Council’s own evidence base, and Inspectors for two appeals, this area is therefore of low/moderate sensitivity and a suitable location for residential development. It is presumably at least partly for this reason that in the emerging regulation 18 Local Plan policy LPR37a proposes the allocation of 500 homes in this location, on land that includes the appeal site.
- 6.8 In my own landscape appraisal I have concluded that the appeal proposals would result in localised landscape harm. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less. The effects of the proposals upon the hedgerow network would be minor and positive, due to the potential for additional native planting and associated biodiversity enhancements, and the effects on the pasture fields to the south of the appeal site would be minor and negative. The effects on the character of the local landscape – the Wooded Estatelands in the locality - would be moderate/minor and negative. The reason for this relatively small change to landscape character is because the landscape changes caused by the proposed new homes would be focused upon a locality which is already influenced by prominent housing at Vespasian Way. The proposals would not, therefore, introduce new, anomalous elements to the landscape, but would instead change the proportions of existing elements in the landscape.
- 6.9 In my visual assessment, I have concluded that the visual effects of the proposed development would also be highly localised. In the short term there would be moderate effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate effects for walkers and cyclists on the unnamed lane to the west of the appeal site: all of these receptor groups are within 50 metres of the site boundary, and only one of them is experiencing short term, major/moderate effects. I also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and



proposed planting. By year 15 the highest level of effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.

- 6.10 Based upon many years of designing and assessing residential proposals, I have noted that the degree of landscape and visual harm that would result from this proposal is therefore at the lower end of the scale of harm from residential development non green field sites. It certainly does not equate to “*significant landscape and visual impacts*” alleged in the reason for refusal.

The proposals would be harmful development to the village of Chesterton

- 6.11 As noted above, all residential development on green field sites will result in at least localised landscape and visual harm, and in this context it is to be expected that new the appeal proposals will result in some landscape and visual harm. As I have noted above, in this case the degree of harm is relatively low, since the landscape and visual effects would be localised, often short term, and reduced by the proposed mitigation planting.
- 6.12 In terms of harm to the village of Chesterton itself, the appeal proposals would not cause a significant change to the key elements of the village or its setting. New houses of an appropriate scale and materials would be placed next to existing, prominent houses at Vespasian Way, and the proposed POS would placed adjacent to, and would extend, existing recreational facilities at The Green. As the illustrative landscape strategy in the Allen-Pyke LVA shows, this would be a low density edge, with fronting houses separated by swales and meadow walks, and with an extensive area of new meadows and tree and shrub planting along the southern edge. To the south of the appeal site the setting for Chesterton would remain as open agricultural fields.

The proposals would be ... contrary to Policies ESD13

- 6.13 Policy ESD 15 is addressed by Richard Burton, whereas Policy ESD13 is of particular relevance to this proof.
- 6.14 Policy ESD13 notes that “*opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and*



hedgerows". As I have noted at section 3.0 of this proof, the proposed development would provide new habitats, reinstate lost hedgerows, and provide new POS. This would result in landscape, visual, ecological and recreational enhancement to the landscape, and would also create an appropriate and attractive edge to Chesterton.

6.15 ESD13 also states that "*development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*". As I have noted, the appeal proposals would focus development on a location which is recognised in the Cherwell Landscape Sensitivity Assessment as being of low value and low to moderate sensitivity, and they will also place new homes in a location the character of which is already influenced by existing, prominent houses at Vespasian Way. The proposed illustrative landscape strategy would reinstate lost hedgerows around the site, and create new meadows, tree planting and scrub. The design of the proposals would also echo the existing settlement edge of Chesterton, placing housing next to existing housing, and POS next to the existing POS at The Green. The proposals would thus both respect the existing landscape character, and also provide enhancement to aspects of the landscape.

6.16 ESD13 also states that development proposals will not be permitted if they would:

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural features and topography;*
- *Be inconsistent with local character;*
- *Impact on areas judged to have a high level of tranquillity;*
- *Harm the setting of settlements, buildings, structures or other landmark features;*
- *Harm the historic value of the landscape.*

6.17 Each of these factors is considered in turn below.

6.18 With regard to **visual intrusion**, my visual assessment has concluded that there would be some localised visual effects as a result of the proposed development. However, major/moderate and moderate levels of effects are limited to receptors within 50 metres of the site boundary, and in many cases even these effects would reduce once proposed mitigation planting has successfully started to mature. Effects in the wider countryside would be limited to glimpses from a few publicly accessible locations, and these effects would also reduce once proposed mitigation planting has established. These levels of visual effect are relatively low for a green field development of 147 homes, and certainly cannot be described as "*undue visual intrusion*".



- 6.19 There have been no important **natural features of topography** identified in the vicinity of the appeal site. The topography of the site is gently sloping, and there are no distinctive landforms or other particularly important features on the site.
- 6.20 In relation to **character**, as I have noted the proposals would result in some localised landscape harm, as with all green field residential developments. However, the proposals would also respect and enhance the existing field pattern, place new homes next to existing prominent houses on Vespasian Way, position a new area of POS next to an existing area of POS at The Green, and ensure that there remains open fields on the settlement edge. I have also noted that the local landscape is already partly characterised by views of built form, as well as traffic noise and movement, a fact that has been recognised in the Cherwell Landscape Sensitivity Assessment and also in the Inspectors' decisions for Great Wolf and the BSA development. As a result, the effects on the local landscape type, Wooded Estatelands, would be only moderate/minor, and the development would be consistent with the overall character of the area.
- 6.21 In this context it is important to emphasise that Policy ESD13 does not preclude any degree of landscape harm, but instead requires that development proposals "*respect and enhance local landscape character*", and where harm to the local landscape occurs "*appropriate mitigation*" should be secured.
- 6.22 The proposed development would cause no harm to the **settings of buildings, structures or landmark features**. In terms of the potential effects of the proposals on the **setting of Chesterton**, as I have noted the key elements of the existing settlement edge – the housing at Vespasian Way, the POS at the Green, and the proximity of the open fields – would be echoed in the proposals, and the proposed new areas of open space and planting would result in a green, filtered edge to the settlement. Therefore, whilst there would be change to the setting of the settlement there would not be harm in the long term.
- 6.23 There would be no harm to the **historic value** of the landscape. No particular historic value has been identified in the Cherwell Landscape Sensitivity Assessment, and nor is historic value raised in the reasons for refusal in this appeal.
- 6.24 I have therefore concluded that the appeal proposals accord with policy ESD13.



The proposals would be... contrary to saved Policies C28 and C30

- 6.25 As I have noted at section 2.0 of my proof, Mr Ross has concluded that these are design policies aimed primarily at the Reserved Matters stage. However, as I have noted in section 3.0 of my proof there is no reason why the appeal proposals would not be able to comply with these policies.
- 6.26 A detailed analysis of the design of the proposals at this outline stage is included in Mr Burton's proof.

Landscape and Visual Elements of Reason for Refusal 2

The proposals ... would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton

- 6.27 There are currently glimpsed views through breached hedgerows towards the appeal site from both of these routes, and whilst the arable field at the west of the appeal site forms part of the foreground in these views, the existing housing at Vespasian Way is also often clearly visible in the middle ground, particularly from the unnamed lane. Glimpses of built form are therefore already an element of views from these routes.
- 6.28 In order to investigate the potential visual effects of the proposals on receptors using these routes I have prepared photomontages for viewpoints 3 (on Green Lane) and 4 (on the unnamed lane to the west of the appeal site), for years 1 and 15. Based upon these visualisations and my own site visits I have concluded that there would be major/moderate and negative visual effects on viewpoint 4 in year 1, but that by year 15 these effects would reduce to moderate/minor and negative for walkers and cyclists. For viewpoint 3 on Green Lane the effects would be at most moderate in year 1, becoming moderate/minor and negative by year 15.
- 6.29 This means that whilst the proposed development would result in noticeable visual effects for some receptors on the unnamed lane in the short to medium term, by year 15 this harm would reduce to glimpses of built form – which would therefore be similar to the existing experience of using these routes.
- 6.30 I have therefore concluded that the proposals would not result in any significant harm to the visual amenity of those using Green Lane or the unnamed lane in the medium to long term.



This combined with developments of the Bicester Sports association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton

- 6.31 As set out in section 5.0 of my proof, I have considered this issue by undertaking a focused assessment of the effects of the proposed development upon the perception of separation between Chesterton and Little Chesterton. The methodology used for this assessment was based upon the Eastleigh Criteria, a set of principles that were first defined by a Local Plan Inspector, then published in a government study, and then applied in numerous planning appeals. In order to focus on the specific concerns expressed in this part of the reason for refusal I also considered the potential cumulative effects of the permitted BSA development and the permitted Siemens development upon the sense of separation between these settlements.
- 6.32 My assessment has concluded that even in the worst-case scenario, where none of the mitigation planting for the appeal proposals, the BSA development or the Siemens development has started to mature, there would still remain an enclosed, rural section of the unnamed lane between the south-west corner of the appeal site and the most northerly house in Little Chesterton, approximately 285 metres in length, that would be unaffected by any views of either the appeal scheme or either of the other permitted developments. In this context I have noted that 285 metres is more than the width of many existing, effective gaps between settlements in England, including some settlements in Cherwell.
- 6.33 I have also noted that in the medium term gapping up of existing hedgerows at the boundary of the appeal site on both Green Lane and the unnamed lane would largely screen views of the proposed new homes, which would in turn provide further enclosure to these routes and make them more rural in character. The BSA proposal also includes a significant area of new tree and shrub planting along the unnamed lane, and that would also serve to provide further enclosure in the medium to long term.
- 6.34 My assessment has therefore concluded that even in the worst-case scenario, where all developments occur at the same time and have no mitigation planting, there would continue to be a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving somewhere else. The gap between the settlements would therefore remain fully functional, and the two settlements would retain their individual identities.
- 6.35 However, in the medium to long term it is likely that the sense of separation between the settlements – and thus the individual identity of each – could be enhanced by the proposed



new planting that would occur for both the appeal proposals and the permitted developments. This would provide a longer section of enclosed, rural lane between Chesterton and Little Chesterton, and also further reduce the potential for visibility of the settlement edges from the footpaths that extend between the two settlements.

The Council's Statement of Case (and Addendum)

In addition to the points covered within the Reasons for Refusal, Criticisms of the Allen-Pyke LVA, for example: *"The LVA assessment understates the effects of the development and does not comply with best practice guidance within GLVIA3 and therefore cannot be relied upon to accurately assess the effects of the Appeal Scheme"*

- 6.36 I have carried out my own assessment of the potential landscape and visual effects of the proposed development, and that assessment is based upon a tried and tested methodology supported by a computer-generated ZTV and accurate photomontages. It is upon this assessment that I primarily rely.
- 6.37 However, I have also carried out a review of the methodology and conclusions of the Allen-Pyke LVA. I have noted that GLVIA3 does not specify a *"formulaic recipe"* for carrying out LVAs, and that it states that *"professional judgement is an important part of LVIA"*.
- 6.38 I have noted that the Allen-Pyke LVA does follow many of the key principles advocated in GLVIA3, and that in accordance with best practice the chartered landscape architect that carried out this assessment also prepared the illustrative landscape strategy and inputted into the masterplan design.
- 6.39 I have noted that the Council's Landscape Officer concluded that the Allen-Pyke LVA is *"comprehensive and proportionate"*, and that she agreed with the extent of visibility and the visual receptors assessed in the LVA.
- 6.40 The LVA concludes that the proposals would result in localised landscape harm at year 1, and this finding concurs with my own conclusions. Similarly, the LVA concludes that there would be localised visual harm in year 1, and this again coincides with my own conclusions.
- 6.41 The main difference between the Allen-Pyke assessment and my own is that the Allen-Pyke LVA concludes that all landscape and visual effects would be either beneficial (positive) or neutral by year 15, whereas I conclude that all landscape and visual effects would be either neutral or negative by year 15.



- 6.42 My judgements are based upon the starting premise that all green field residential developments will result in negative landscape and visual effects. The Allen-Pyke LVA adopts a different starting premise and concludes that, once the proposed landscaping has reached semi-maturity by year 15, the overall effect on landscape and visual receptors would be beneficial.
- 6.43 The Allen Pyke LVA is thus not only trying to take account of the harm that development would inevitably cause, but also the undeniable benefits that the landscaping and POS would provide. That is not an approach that is at odds with GLVIA3, but simply a professional judgement based upon a GLVIA3 compliant assessment.
- 6.44 For my assessment, I state that the landscape and visual harm that inevitably results from residential development upon a green field site – both in year 1 and at year 15 - should be considered alongside the design benefits of the proposals, as set out in section 3.0 of my proof and sections 4 and 5 of Mr Burton’s proof, and which are not fully captured in my own LVA³. These design benefits are significant, and are included in the balancing exercise carried out by Mr Asher Ross.
- 6.45 In summary, the assessments – when combined with my section 3.0 and Richard Burton’s proof - are both GLVIA3 compliant and effectively both reach similar conclusions: localised landscape and visual harm but with some important design benefits including new habitat creations, a new, attractive settlement edge, and extensive areas of new POS.

³ As an example, Mr Burton’s design review using the National Design Guide criteria includes elements such as movement, or community and climate which cannot be easily captured within an LVA, and other elements such as landscape and biodiversity which can. In addition, Mr Burton judges filtered views of the new settlement edge as a positive asset in urban design terms (see 5.5.7), whereas for an LVA it is best practice to assess increased visibility in built form as a negative effect.



7.0 SUMMARY AND CONCLUSIONS

Review of the Landscape Planning Context

- 7.1 I have noted that the appeal site is not within a landscape or landscape-related designation. There is no formal access to the site.
- 7.2 In the adopted Local Plan the appeal site is not allocated for development. However, in the emerging Local Plan, which is at the regulation 18 stage, the appeal site forms part of a proposed allocation for 500 homes. Appendix 2 to the draft plan states that one of the key development considerations for this allocation will be the relationship of Chesterton and Little Chesterton. Given that the Council has proposed allocation of the appeal site and land to the south for residential use it has clearly concluded that it is possible to maintain a sense of separation between these settlements.
- 7.3 In recent appeal decisions for Great Wolf and BSA, Inspectors agreed that the local landscape *“is an area of transition where many of the key characteristics of the NCA are either absent or heavily diluted”*. In both cases the Inspectors decided that the landscape was of medium to low sensitivity and not a valued landscape.
- 7.4 The Council’s Landscape Officer found that the Allen-Pyke LVA was *“comprehensive and proportionate”*. She agreed that the visual effects would be localised, with the receptors most affected being close to the site itself. The Landscape Officer expressed concerns about the potential effects of the development upon the setting and gateway to the village, although she did not mention any issues regarding the effects on the sense of separation between Chesterton and Little Chesterton.

Landscape Design Review of the Proposals

- 7.5 My landscape review has concluded that the appeal site has ample space to deliver a low density residential development that would not only conserve the existing field structure but could also deliver significant areas of new green infrastructure, new habitats as well as new recreational space and footpaths. The height, density and materiality of the proposed built form would be appropriate to the local context.



Potential Landscape and Visual Effects of the Appeal Proposals

- 7.6 I have carried out my own landscape and visual appraisal of the proposed development, based upon a thorough desk top assessment of existing policies and character assessments as well as two site visits. I have prepared a computer-generated ZTV and year 1 and year 15 photomontages from three viewpoints. My assessment methodology has been drafted by a team of experienced chartered landscape architects and has been tested at numerous inquiries.
- 7.7 My landscape assessment has concluded that the landscape effects resulting from the proposed development would be localised, and that the site does not form part of a valued landscape. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less. The effects of the proposals upon the hedgerow network would be minor and positive, due to the potential for additional native planting, and the effects on the pasture fields to the south of the appeal site would be minor and negative. The effects on the character of the Wooded Estate lands character type receptor would be moderate/minor and negative.
- 7.8 My visual assessment concluded that the visual effects of the proposed development would also be highly localised. In the short term there would be moderate effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate effects for walkers and cyclists on the unnamed lane to the west of the appeal site: all of these receptor groups are within 50 metres of the site boundary, and only one of them is experiencing short term, major/moderate effects. I have also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.
- 7.9 The conclusions of my assessment broadly align with those of the Allen-Pyke LVA: both assessments reach the conclusion that there would be localised landscape and visual harm as a result of the appeal proposals, and both agree that degree of visual harm would diminish over time. The main difference between these assessments is that the Allen-Pyke LVA concludes that landscape and visual effects would become positive at year 15, whereas I conclude that the landscape effects of introducing new homes onto a green field would continue to result in some negative landscape and visual effects beyond year 15. This



difference is a result of differing professional judgement, not one of methodological divergence. It is my view that it is best practice in LVA to assess the introduction of built form to a green field site as causing negative landscape and visual effects, and to conclude that at least some of those negative effects will continue to persist even when the proposed landscaping and planting has established and reached semi-maturity; this is a worst-case assessment of effects, adopted by many landscape expert witnesses.

- 7.10 It is in this context that the result of my assessment must be viewed: if it is best practice to conclude that all green field residential developments will result in landscape and visual harm, what differentiates residential developments is not, therefore, whether there is harm or not, but instead the degree of harm.
- 7.11 As I have noted, it is also important to consider the design benefits of the proposals alongside the harm assessed in the LVA, and the results of my assessment should therefore be read alongside my landscape design conclusions at section 3.0 of my proof, and also the conclusions of the design review in Mr Burton's proof.
- 7.12 It is my conclusion, based upon many years of assessing hundreds of residential proposals, that degree of landscape and visual harm resulting from this proposal for up to 147 homes is at the lower end of the scale. The negative landscape and visual effects would be highly localised and would also reduce over time, due to the low density of the development and the considerable space available for recreation, new habitats and additional landscape planting.

Potential Effects of the Proposed Development upon the Separate Identities of Chesterton and Little Chesterton

- 7.13 I have carried out an assessment of the potential effects of the appeal proposals, along with the potential cumulative effects of other permitted developments, upon the sense of separation between Chesterton and Little Chesterton. My assessment applies the Eastleigh Criteria for assessing the effectiveness of gaps between settlements, an approach devised by a Local Plan Inspector, published in government guidance, and subsequently accepted at numerous appeals.
- 7.14 My assessment has concluded that the appeal proposals would continue to provide a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving at a different settlement, whether by footpath or by the unnamed lane. Once the proposed planting around the appeal site has started to mature, this sense of separation would



be increased, but even at year one there would be a minimum of 285 metres of rural, enclosed lane between the settlements that would provide a clear sense of separation, and this distance is similar to that found between other settlements in the District. I have also concluded that the other permitted schemes would not cumulatively undermine the clear sense of separation between the two settlements.

Response to the Landscape and Visual Aspects of Reasons for Refusal 1 and 2, and the Council’s Criticism of the Allen-Pyke LVA

The proposals would cause significant adverse landscape and [visual] impacts to the settlement character which could not be avoided or mitigated by the proposed development.

- 7.15 As I have noted, it is best practice in LVA to acknowledge that that all green field residential developments result in at least localised landscape and visual harm. This fact has been accepted by the vast majority of landscape architects and has also been recognised by nearly all Inspectors. It follows that if housing is required on green field sites, there will inevitably be some landscape and visual harm; what is essential is that those developments are designed as sensitively as possible, such that some enhancements can be achieved and so that the harms can be minimised.
- 7.16 One of the most important ways in which landscape and visual harm can be minimised is by only developing homes in landscapes which are less sensitive to change – in other words those landscapes which are less valued and less susceptible to the change that residential development would cause.
- 7.17 In this case it is common ground that the appeal site does not form part of a valued landscape. The appeal site also forms part of an assessment parcel which the Cherwell Landscape Sensitivity Assessment has concluded is of low value and moderate susceptibility, and thus low to moderate sensitivity overall. The assessment defines low to moderate sensitivity as being *“few of the key characteristics and qualities of the landscape are sensitive to change”* and *“there is potential to accommodate the development scenario”*.
- 7.18 According to the Council’s own evidence base, and Inspectors for the Great Wolf and BSA appeals, this area is therefore of low/moderate sensitivity and a suitable location for residential development. It is presumably at least partly for this reason that in the emerging regulation



18 Local Plan policy LPR37a proposes the allocation of 500 homes in this location, on land that includes the appeal site.

- 7.19 In my own landscape appraisal I have concluded that the appeal proposals would result in localised landscape harm. There would be major/moderate and negative effects on the arable fields of the appeal site itself, but all other effects would be moderate or less.
- 7.20 In my visual assessment, I have concluded that the visual effects of the proposed development would also be highly localised. In the short term there would be moderate negative effects for residents, walkers and cyclists at Vespasian Way and Green Lane, as well as the major/moderate negative effects for walkers and cyclists on the unnamed lane to the west of the appeal site: all of these receptor groups are within 50 metres of the site boundary, and only one of them would experience short term, major/moderate effects. I have also concluded that the effects at many of these closer viewpoints would reduce by year 15 due to the mitigating effect of existing and proposed planting. By year 15 the highest level of effect for any of the visual receptor groups would be moderate/minor for residents and pedestrians at Vespasian Way, residents and pedestrians at Green Lane, and walkers on the unnamed lane to the west of the site. All other receptor groups would experience effects that are minor or less.
- 7.21 Based upon many years of designing and assessing residential proposals, I have noted that the degree of landscape and visual harm that would result from this proposal is therefore at the lower end of the scale of harm from residential development non green field sites. It certainly does not equate to “*significant landscape and visual impacts*” alleged in the reason for refusal.

The proposals would be harmful development to the village of Chesterton

- 7.22 As noted above, all residential development on green field sites will result in at least localised landscape and visual harm, and accordingly it is to be expected that the appeal proposals will also result in some landscape and visual harm. As I have noted above, in this case the degree of harm is relatively low, since the landscape and visual effects would be localised, often short term, and reduced by the proposed mitigation planting.
- 7.23 In terms of harm to the village of Chesterton itself, the appeal proposals would not cause a significant change to the key elements of the village or its setting. New houses of an appropriate scale and materials would be placed next to existing, prominent houses at



Vespasian Way, and the proposed POS would be placed adjacent to, and would extend, existing recreational facilities at The Green. As the illustrative landscape strategy in the Allen-Pyke LVA shows, this would be a low density, landscaped edge, providing an appropriate transition between the settlement and the countryside to the south.

The proposals would be ... contrary to Policy ESD13

- 7.24 In accordance with Policy ESD13 the proposed development would provide new habitats, reinstate lost hedgerows, and provide new POS. This would result in landscape, visual, ecological and recreational enhancement to the landscape, and would also create an appropriate and attractive edge to Chesterton.
- 7.25 In relation to the effects on local landscape character I have concluded that the proposals would cause localised landscape harm focused upon an area which is already influenced by the settlement edge, and is acknowledged within the Council's Landscape Sensitivity Assessment as being of Moderate to Low sensitivity. The design of the proposals would also echo the existing settlement edge of Chesterton, placing housing next to existing housing, and POS next to the existing POS at The Green.
- 7.26 In this context it is important to emphasise that Policy ESD13 does not preclude any landscape harm, but instead requires that development proposals "*respect and enhance local landscape character*", and where harm to the local landscape occurs "*appropriate mitigation*" should be secured.
- 7.27 I have therefore concluded that the appeal proposals accord with Policy ESD13.

The proposals ... would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton

- 7.28 Through my visual assessment, supported by accurate photomontages, I have shown that whilst the proposed development would result in noticeable visual effects for some receptors on the unnamed lane in the short to medium term, but by year 15 this harm would reduce to glimpses of built form. Similarly, there are currently glimpses of built form Green Lane and the proposed development would increase this visibility in the short term; however by year 15 this visibility would once more be reduced to glimpses.
- 7.29 I have therefore concluded that the proposals would not result in any significant harm to the visual amenity of those using Green Lane or the unnamed lane in the medium to long term.



This combined with developments of the Bicester Sports association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton

7.30 As I have explained above, by applying the Eastleigh criteria I have shown that the appeal proposals would continue to provide a clear sense of leaving one settlement, travelling through an intermediate, rural landscape, and arriving at a different settlement, whether by footpath or by the unnamed lane. Once the proposed planting around the appeal site has started to mature, this sense of separation would be increased.

The Council's Statement of Case (and Addendum): Concerns regarding the Methodology and Conclusions of the Allen-Pyke LVA

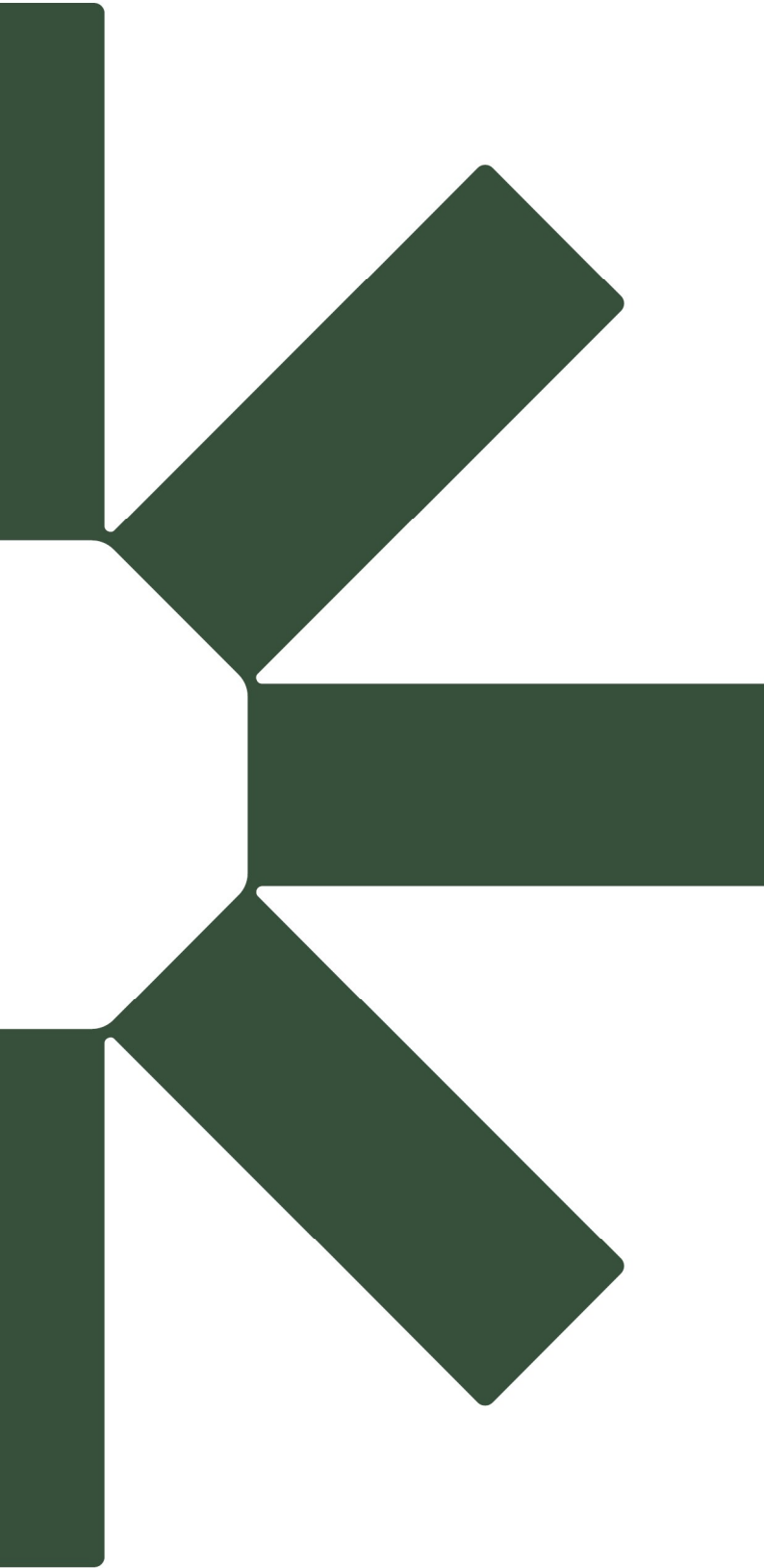
7.31 I have carried out my own assessment of the potential landscape and visual effects of the proposed development, and that assessment is based upon a tried and tested methodology supported by a computer-generated ZTV and accurate photomontages. It is upon this assessment that I primarily rely.

7.32 However, I have also carried out a review of the methodology and conclusions of the Allen-Pyke LVA. I have noted that GLVIA3 does not specify a "*formulaic recipe*" for carrying out LVAs, and that it states that "*professional judgement is an important part of LVIA*".

7.33 I have concluded that both my own LVA and the Allen-Pyke LVA comply with the guidance within GLVIA3, and that the conclusions of both are broadly aligned, particularly if the harm assessed in my LVA is considered alongside the design benefits of the proposals, as set out both in my proof and in Mr Burton's.

7.34 In this context it is important to reiterate that the Council's Landscape Officer concluded that the Allen-Pyke LVA was "*comprehensive and proportionate*".





Making Sustainability Happen