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Proof of Evidence
**Landscape and Visual and
Green Belt Issues**

Prepared by

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In respect of Appeal by
Wain Estates (Land) Ltd.

Concerning
**Land North of Wilderness Lane,
Great Barr, B43 7AJ**

On behalf of
**Sandwell Metropolitan
Borough Council**

Appeal ref
APP/G4620/W/24/3341688
Council Ref
DC/23/68822

June 2024

Prepared by:

[REDACTED]

Position:

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1 Introduction

1.1 Qualifications and Experience

- 1.1.1 My name is Michelle Bolger. I am a Fellow of the Landscape Institute and Director of *Michelle Bolger Expert Landscape Consultancy (MBELC)*. I have a degree and a Diploma in Landscape Architecture from Greenwich University. I also have a degree in English from Durham University and a Postgraduate Certificate in Education from London University. I was formerly Chair of the Landscape Institute's Education and Membership Committee and a Trustee on the Landscape Institute Board. I have previously worked as a Senior Associate for Gillespies LLP and Liz Lake Associates.
- 1.1.2 I have prepared Landscape and Visual Impact Assessments (LVIA) to accompany planning applications for a range of projects including residential development, light transit, highways, leisure, retail, commercial and enabling development, both as standalone documents and as part of Environmental Impact Assessments. On behalf of local planning authorities and other bodies such as South Downs National Park Authority, National Resources Wales and the National Trust, I have reviewed LVIA's prepared for a range of developments including Nationally Significant Infrastructure Projects.
- 1.1.3 I have jointly delivered a series of training workshops on LVIA for other landscape architects, local authority officers and on Planning Inspectorate training days, most recently in March 2023 on assessing landscape value. I have devised and delivered training on acting as an expert witness at Public Inquiries for local authority officers and other landscape architecture practices. On behalf of the Landscape Institute, I co-authored the Technical Guidance Note (TGN 02/21) on *Assessing landscape value outside national designations*.
- 1.1.4 Over the last twenty years, I have presented evidence at appeal, DCO Examination, call-in and local plan inquiries on behalf of appellants, local planning authorities and local action groups regarding the landscape and visual impacts of proposals for residential, commercial, Gypsy and traveller sites, light transit, nuclear and other energy developments.

1.2 Scope of my Evidence

1.2.1 In May 2024 I was asked by Sandwell Metropolitan Borough Council (SMBC) whether I could support the reasons for refusal (RfR) with regard to appeal (APP/G4620/W/24/3341688) which concerns an outline application (DC/23/68822) for up to 150 dwellings, a countryside park and associated works at Land North of Wilderness Lane, Great Barr. The appellant is Wain Estates (Land) Ltd.

1.2.2 Having reviewed the details of the scheme, I confirmed that I was prepared to defend the landscape elements of the first Reason for Refusal (RfR) and was appointed by SMBC to prepare evidence for the appeal.

1.2.3 My evidence addresses the first RfR:

'The proposal is contrary to paragraph 11(d) of the adopted National Planning Policy Framework (NPPF) in that the development is on land designated as Green Belt land, the proposal is considered inappropriate this location and the applicant has been unable to demonstrate very special circumstances as to why this policy should be set aside. The harm resulting from the proposals would not be outweighed by other considerations. Therefore paragraph 152 of the NPPF is clear that the planning application should be refused.'

1.2.4 Although not listed as a RfR the Council's Statement of Case (SoC) (CD6.11) paragraphs 6.22-6.26 sets out the Council's position that the proposed development would:

- Harm the local landscape character;
- Fail to recognise the intrinsic character and beauty of the countryside; and
- Be harmful, rather than sympathetic, to local landscape character.

1.2.5 My evidence also addresses these aspects of the Council's case.

1.3 The Appeal Documents

1.3.1 I have reviewed the drawings and documents submitted with the application. Details of the application are contained in Section 3 of the Statement of Common Ground (SoCG) and I do not repeat it in my evidence.

1.3.2 In particular, I have considered the following documents and drawings that were submitted with the application:

- Landscape and Visual Appraisal and Green Belt Assessment, FPCR October 23 (CD7.20);
- Arboricultural Assessment, FPCR, October 2023 (CD7.5);
- Illustrative Masterplan (09364-FPCR-XX-ZZ-DR-L-0012, Rev P07) (CD7.35);
- Development Framework Plan (9364-FPCR-XX-ZZ-DR-L-0010-P10, Rev P11) (CD7.34);
- Building Heights Parameter Plan (9364-FPCR-XX-ZZ-DR-L-0013-P01, Rev P01) (CD7.36);
- Access Plan General Arrangement (07381-CI-A-0001 Rev P02) (CD7.37).

1.4 Structure of my Evidence

1.4.1 My evidence is structured as follows:

- **Section 2** provides a summary of the landscape and Green Belt planning context;
- **Section 3** reviews published landscape character assessments;
- **Section 4** describes the character of the site and its immediate context;
- **Section 5** assesses the contribution of the site to the Green Belt;
- **Section 6** assesses the landscape value of the site;
- **Section 7** considers other landscape assessments that have included the site;
- **Section 8** assesses the effects of the development on the Green Belt;
- **Section 9** assesses the landscape effects of the development;
- **Section 10** assesses the visual effects of the development;
- **Section 11** considers the compliance of the proposals with landscape related planning policies; and
- **Section 12** contains a summary and conclusions and forms my **Summary Proof**

- 1.4.2 **MB Appendix 1** includes Figures that have been prepared to illustrate my evidence and they are presented as a separate A3 document. The figures are intended to assist the inquiry by supplementing those included in the Appellant's Landscape And Visual Appraisal and Green Belt Assessment (LVA, CD7.20).
- 1.4.3 Photographs included in MB Appendix 1 have been prepared in accordance with The Landscape Institute's (LI) Technical Guidance Note (TGN) 06/19 *Visual Representation of Development Proposals* (CD6.20). They have been prepared to assist the inquiry. They are not intended as a criticism of the viewpoint locations used in the Appellant's LVA.
- 1.4.4 The remaining appendices are appended to this evidence.
- 1.5 Methodology**
- 1.5.1 The methodology used in preparing my evidence is based on the *Guidelines for Landscape and Visual Impact Assessment*, Third Edition 2013 (GLVIA3) (CD6.19) prepared by the LI/Institute of Environmental Management and Assessment. GLVIA3 is the key guidance regarding assessing landscape and visual impacts. The methodology used is set out in **MB Appendix 2**.
- 1.5.2 The assessment of landscape value is consistent with the LI's TGN 02/21 *Assessing landscape value outside national designations* (2021) (CD6.10).
- 1.6 Appellant's LVIA**
- 1.6.1 I disagree with the conclusions of the Appellant's LVA. I consider that it has underestimated:
- The contribution that the site makes to the Green Belt
 - The harm that the development would cause to the Green Belt
 - The existing value of the landscape, in particular the value derived from the locally rare example of early non-parliamentary field pattern which has survived.
 - The landscape and visual harm that would be a consequence of the development
- 1.6.2 My evidence provides more detail with regard to why I disagree with the LVA's conclusions

1.7 Duty to the Inquiry

1.7.1 I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. I declare that the evidence which I have prepared and provided for this appeal is true. It has been prepared and is given in accordance with the guidance of the Landscape Institute and I confirm that the opinions expressed are my true and professional opinions.

2 Landscape and Green Belt Planning Policy Context

2.1 Introduction

2.1.1 In this section, I set out the policies, local and national, that I consider relevant to the Green Belt, landscape and visual issues. In the following sections, my evidence describes the existing landscape character of the site and the surrounding area and considers the impact of the proposed development. While doing this I consider whether the proposed development would achieve landscape and visual and Green Belt-related national and local policy objectives.

2.1.2 My evidence considers the policies as written, the weight to be given to policies is considered in the evidence of the Council's planning witness.

2.1.3 The SMBC development plan consists of the following documents:

- Black Country Core Strategy (BCCS);
- Site Allocations and Delivery Development Plan Document and Policies Map (SAD)

2.2 National Policy

2.2.1 National Policy is set out in the National Planning Policy Framework (NPPF, revised December 2023) (CD2.3). Section 13 of the NPPF is concerned with protecting Green Belt land. Paragraph 142 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

2.2.2 The five purposes that the Green Belt serves are identified in Paragraph 143.

2.2.3 Within the section headed Proposals affecting the Green Belt paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.2.4 The Planning Practice Guidance (PPG) suggests a number of matters to be taken into account when assessing the openness of the Green Belt:

- *openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*¹

2.2.5 With regard to landscape and visual related national policy objectives in the NPPF, planning decisions should:

- Protect and enhance our natural, built and historic environment (Paragraph 8c);
- Take local circumstances into account, to reflect the character, needs and opportunities of each area (Paragraph 9);
- Ensure that developments are visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting (Paragraph 135b & c);
- Establish or maintain a strong sense of place (Paragraph 135d);
- Protect and enhance valued landscapes (Paragraph 180a);
- Recognise the intrinsic character and beauty of the countryside (Paragraph 180b).

2.3 Draft Sandwell Local Plan

2.3.1 Sandwell Council held a Regulation 18 public consultation on the new Draft Sandwell Local Plan which closed in December 2023. The site lies within the following proposed policy areas:

- Policy SDS6 - Sandwell's Green Belt which aims to prevent inappropriate development within **the Green Belt** :
- Peakhouse Farm Site of Importance for Nature Conservation (SINC) falls within Policy **SNE1 - Nature Conservation**
- Peak House Farm Field System covers the entire area of the site where Policy **SHE2 - Development in the Historic Environment** applies.
- Peak House Farm Moated site which is identified as an Archaeology Priority Area lies within the appeal site.

¹ Planning Practice Guidance Paragraph: 001 Reference ID: 64-001-20190722

2.4 Summary

2.4.1 National and development plan policies expect new development to:

- Protect and enhance valued landscapes;
- Recognise the intrinsic character and beauty of the countryside;
- Maintain the openness of Green Belt and support its purposes;
- Protect Green Belt from inappropriate development; and
- Protect and promote historic character and local distinctiveness.

3 Existing Landscape Character: Published Landscape Character Assessments

3.1 Introduction

3.1.1 The site is covered by the National Landscape Character Assessment. At a district level there is no landscape assessment but the site is considered within the Black Country Historic Landscape Characterisation Study, 2019. This section addresses the key information in these studies and any strategies or guidance for the management of change within the landscape.

3.1.2 Table 1 below sets out the various studies and identifies the landscape/historic landscape character type (LCT/HLCT) and landscape/historic landscape character area (LCA/HLCA) in which the site is located.

3.2 Table 1 - Landscape/Historic Landscape Character Areas and Types

Assessment	Landscape/historic landscape character type (LCT/HLCT)	Landscape/historic landscape character area (LCA/HLCA)
National Level		
National Character Area (NCA)	n/a	NCA 67 Cannock Chase and Cank Wood
District Level		
Black Country Historic Landscape Characterisation Study, 2019	n/a	SD02 - Newton, Hamstead & Great Barr
Adjoining	n/a	WL11 - South East Walsall
The Black Country, An Historic Landscape Characterisation, 2009	Irregular Enclosure	SD02 - Newton, Hamstead & Great Barr
Adjoining	Sports Ground	

3.3 National Character Area (NCA) (CD 6.12)

3.3.1 The site is located in NCA 67 Cannock Chase and Cank Wood which covers much of the Black Country conurbation and its northern setting. It is described as forming a plateau rising above its surroundings due to the area's contrasting geology of Sandstone and Coal Measures of the South Staffordshire Coalfield. The NCA broadly coincides with the historical hunting forest of Cannock Chase.²

3.3.2 Key characteristics of NCA 67 include:³

- **A varied landscape** ranging from the open heathlands and plantations through towns, reclaimed mining sites and new developments, to dense urban areas.
- **Prominent hills include Barr Beacon.**
- **Post-industrial sites and remnant countryside within the urban areas provide a mosaic of additional valuable habitats.**
- **The canal network is a notable feature** and contributes significantly to the drainage of the urban areas.
- **The predominant building material of the 19th- and early 20th-century buildings is red brick.**
- The settlement pattern is complex and contrasting, with some areas densely populated and others relatively sparse. **The conurbation includes a mosaic of urban areas, former industrial land and patches of farmland**, with an extensive urban fringe.
- The extensive networks of canals and railways reflect the industrial history of the area. Major roads include the M6, the M6Toll and the A5. (Emphasis added)

² <https://nationalcharacterareas.co.uk/cannock-chase-and-cank-wood/summary/#Summary>

³ <https://nationalcharacterareas.co.uk/cannock-chase-and-cank-wood/key-characteristics/>

3.4 The Black Country, An Historic Landscape Characterisation, 2009 (CD6.18)

3.4.1 The Black Country An Historic Landscape Characterisation Study 2009 (HLC 2009)

identifies the site and the fields adjoining to the west and south as HLC type Irregular Enclosure (**MB Figure 4**). It is the oldest surviving HLC type in the area and lies between Wilderness Lane, Birmingham Road, Rushall Canal and the M6. Irregular Enclosure is described as *'other fields systems which do not fit the planned or piecemeal enclosures, but does include assarting & enclosure of waste at an unknown period, but probably pre-1750.'*⁴ (Emphasis added) Adjoining HLC types are Sports Grounds to the north and School to the south (Q3 Academy).

3.4.2 The HLC 2009 defines Character Areas by dividing the Black Country up into areas of similar modern land use.⁵ The site lies in SD02 Newton, Hampstead & Great Barr Character Area (LVA Figure 3). It is described as a largely residential area comprising almost exclusively 20th century housing and in that respect is not uncommon in the Black Country. However, what is uncommon is that the area also includes significant areas of fields which continue to the north beyond the modern Sandwell boundary.⁶

3.4.3 It is noted that the oldest landscapes in the area are those of the remaining fields in its north west,⁷ the fields in which the site is located. Residential development includes inter-war housing to the south and suburban properties from the second half of the 20th century in the area around the site.⁸

⁴ Historic Landscape Characterisation of the Black Country, First Report, Page 153

⁵ Historic Landscape Characterisation of the Black Country, First Report, Page 33

⁶ Historic Landscape Characterisation of the Black Country, First Report, PDF Page 67

⁷ Historic Landscape Characterisation of the Black Country, First Report, PDF Page 67

⁸ Historic Landscape Characterisation of the Black Country, First Report, PDF Page 68

3.5 Black Country Historic Landscape Characterisation Study, 2019 (CD6.21)

3.5.1 The Black Country Historic Landscape Characterisation Study, 2019 was based on the earlier 2009 study and carried out by Oxford Archaeology. Its purpose was to use the HLC 2009 to identify areas of particular historic environment significance based upon the area's historic landscape, historic townscape, archaeological and designed landscape value, resulting in proposed Historic Environment Area Designations.⁹ The site lies in Character Area SD02 which is taken from the HLC 2009.

3.5.2 The Historic Environment Area Designations identify areas containing heritage assets, which have a particular historic environment significance and/or make significant contribution to the local character and distinctiveness of an area.¹⁰ These designations are divided into four categories:

- Archaeological Priority Areas (APA)
- Areas of High Historic Townscape Value (AHHTV)
- Designed Landscapes of High Historic Value (DLHHV)
- Areas of High Historic Landscape Value (AHHLV)

3.5.3 AHHLV '*recognise the quality of the wider landscape and their relative values. The significance of these areas arises from the natural and historic features contained within them (e.g. woodland, watercourses, hedgerows, and archaeological features). The significance of these areas is likely to be derived from their archaeological and historic interests.*'¹¹ (Emphasis added) Further detail regarding how AHHLVs were identified can be found in the paragraphs 5.2.1-5.2.7 of the 3.5 Black Country Historic Landscape Characterisation Study.

3.5.4 The site forms part of AHHLV 25 Peak House Farm Field System (**MB Figure 4**) which is described as follows:

'The AHHLV contains a well-preserved example of a pre-enclosure field system. Evidence of ridge and furrow is visible across the site as cropmarks (but no earthworks appear to survive). Prehistoric finds have been recovered within this area and cropmarks indicative of below-ground archaeological remains have also

⁹ Black Country Historic Landscape Characterisation Study, Page 9

¹⁰ Black Country Historic Landscape Characterisation Study, Page 53

¹¹ Black Country Historic Landscape Characterisation Study Page 54

been identified, highlighting the archaeological potential of the area. Many of the field boundaries are marked by drainage ditches linked to the moated site to the south (APA 24) and a number of hedgerows are recorded as ancient hedgerows. LiDAR shows a small mound in the AHHLV (NGR 403764 295377). The field system is well preserved and contains cropmark remains and findspots suggestive of archaeological potential from Roman or prehistoric times. Drainage ditches in field boundaries link to a possible moated site.

The AHHLV contains a locally rare example of early non-parliamentary field pattern. Prehistoric deposits as indicated by the cropmark remains are rare within Sandwell as is the possible moated site which lies in the southern part of the AHHLV. '¹² (Emphasis added)

- 3.5.5 Field 13 within the site (See MB Figure 6 for the Field numbers) is identified as Historic Environment Area Designation: APA 24 Peak House Farm Moated Site which is described as follows:

'The APA contains the remains of a possible moated site. The Environment Agency LiDAR shows the earthwork remains of a moat and a possible building platform within the APA. The surviving earthworks provide evidence of water management practices associated with the creation of the moat. While other such sites survive within the Black Country, they are rare, and many examples have been destroyed by later industry and development. '¹³

- 3.5.6 Vulnerabilities identified represent unsympathetic development i.e. groundworks would detrimentally affect archaeological remains within the APA. ¹⁴

¹² Black Country Historic Landscape Characterisation Study, Page 114

¹³ Black Country Historic Landscape Characterisation Study, Page 116

¹⁴ Black Country Historic Landscape Characterisation Study, Page 116

3.6 Summary

3.6.1 The site is located within NCA 67 Cannock Chase and Cank Wood. The area surrounding the site is typical of the complex and contrasting settlement pattern to be found in this NCA with a mosaic of urban areas, former industrial land and patches of farmland.

3.6.2 The site itself represents one of those ‘patches of farmland’ that have survived adjacent to the urban area. It contains a series of Irregular enclosure fields which represent the oldest historic landscape character (HLC) type in the area. The importance of the persistence of landscape features associated with this HLC type, both historic and natural, has been recognised in its identification as an Area of High Historic Landscape Value (AHHLV). These are areas considered to be of particular value or rarity within the Black Country. The area in which the site is located contains a locally rare example of early non-parliamentary field pattern, probably pre-1750.

4 Existing Landscape Character: Appeal Site and Immediate Context

4.1 Location

4.1.1 The site is located on land to the north of Great Barr. It lies to the north of Wilderness Lane, a residential road and to the west of the A34 (Birmingham Road, also known as the Walsall Road) which is a dual carriageway. East of the A34 is the Great Barr Conservation Area (CA) which includes the Great Barr Hall Registered Park and Garden (See MB Figure 1) both of which are in Walsall BC.

4.1.2 To the north and north west are the Aston University sports fields, immediately west are fields within Hill Bridge Farm and to the south west is the Q3 Academy, a secondary school. MB Figure 2 shows that the site, land to the west (Hill Farm Bridge Fields, land to the north west (Merrion's Wood) and land to the south of Wilderness Lane (Wilderness Wood) are all designated as Sites of Importance for Nature Conservation. (SINC)

4.2 Land use

4.2.1 The site is entirely composed of agricultural fields of an irregular character which, as described above are a well-preserved example of a pre-enclosure field system. The importance of time-depth in the landscape is highlighted in the 2/21 TGN on assessing landscape value¹⁵ and has been confirmed in a recent decision Land East of Knowle Lane Cranleigh, APP/Z1510/W/17/3172575. The Inspector said (emphasis added):

'The listed former farm buildings and setting, along with the field pattern, and important hedgerows contribute in a positive way to appreciating the historical significance of this landscape. These features give the area an important dimension of time-depth. Historic England's Guiding principles for Historic Landscape Characterisation¹⁶ states that landscape in an intensively occupied, used and experienced place like Britain is more about history than geography: its most important characteristic is its time-depth; the appreciation that change and earlier landscapes exist in the present landscape.'

¹⁵ Within the section on Cultural Heritage value

¹⁶ CD not yet allocated

- 4.2.2 The Introduction to Historic England's Guiding principles for Historic Landscape Characterisation (CD not yet allocated) also includes the following principle:
- ‘• Semi-natural features (woodland, rough ground, hedges etc.) are as much a part of landscape character as archaeological features; in Britain, where all parts have been affected by the actions of people, bio-diversity and aspects of ‘wild’ topography (like scree, cliffs and marshes) are cultural phenomena. The value of habitats, communities and species is increased, not diminished, by acknowledgement of their historical meaning.’*
- 4.2.3 The most distinctive features of the site are the hedgerows associated with the irregular field system which include some mature oak trees including one veteran oak (see below). Ground cover is predominantly semi-improved grassland with some areas of greater floristic diversity. The LVA describes the site as ‘low grade agricultural land’ (paragraph 7.27). However, low grade agricultural land often has landscape and ecological value whilst high grade arable fields are often not considered to make a significant contribution to ecology, cultural heritage, distinctiveness, scenic qualities etc.
- 4.2.4 The integrity of the area identified as an AHHLV has been maintained in part due to the clear boundaries around it, the A34, Wilderness Lane, and the Rushall Canal. There is only one area of residential development within these firm boundaries, a triangle of development between the A34 and Wilderness Lane. As this development is present on the 1980-02 OS Map (Plan EDP 5 Extracts from Historic Maps Heritage Impact Assessment, PDF page 172) and it is likely that it was there when the West Midland Green Belt was designated in 1975. The long gardens to these houses and the well-established garden boundary vegetation limits the intrusion of this development and has instead resulted in a very definite boundary between the settlement and the countryside which has now been in place for more than 50 years.
- 4.2.5 The Academy site is also shown as containing educational buildings in 1982.
- 4.2.6 Green Belt appropriate uses, such as the sports facilities to the north west of the site have resulted in the loss of the historic field boundaries. This land use is Green Belt appropriate and generally unintrusive regarding built development, but the fencing along part of the western site boundary is incongruous and the inevitably maintained character of the land means that it has lost the historic rural character that has survived elsewhere.

4.2.7 MB Figure 6 identifies the fields within the site by number for ease of reference.

4.3 Trees

4.3.1 The Arboricultural Assessment prepared by FPCR (CD7.5) identifies the following Category A & B trees (emphasis added):

'4.4 Of the surveyed trees six individual trees and one group were recorded as category A, of high arboricultural and landscape value. The individual trees were all mature specimens of English oak Quercus robur that were in a fair physical condition. G21 formed a large woodland belt on the northern boundary of the site. Multiple mature oaks were present within this group and it formed a high quality feature on the local landscape.'

4.5 Twenty individual trees and eight groups were graded as category B, of moderate arboricultural and landscape value. The majority of these were further specimens of oak along with ash.'

4.3.2 T6 (Category A) which is considered to be a veteran oak is on the field boundary of field 14, the southernmost field that is proposed for development. T14 (Category A) along with six Category B oak trees are on the boundary between fields 14 and 8. Built development is proposed on both sides of these trees. The A Category Trees are highlighted on **MB Figure 9**.

4.3.3 Only one tree on the site was considered as a category U specimen as a result of vandalism.¹⁷

4.4 Topography

4.4.1 The land is gently undulating, rising from a low point of 129m AOD in the west to a high point of 153m AOD in the north east. **MB Figure 3** illustrates the local topography. The site is elevated in relation to the wider landscape and there are panoramic views from the site over the landscape to the north (LVA Vp1). Whilst these panoramic views contain built development, including tower blocks, development is generally seen within a well-wooded context and predominantly below the horizon of more distant hills.

¹⁷ Arboricultural Assessment 4.6

4.5 Summary

- 4.5.1 The site lies within an area of Green Belt defined by long-established boundaries which has given the area a considerable degree of integrity. The Q3 Academy is located immediately south of the site.
- 4.5.2 The site is entirely composed of agricultural fields of an irregular character that demonstrate considerable time depth. The most distinctive features of the site are the hedgerows with ditches that define the field pattern. The hedgerows include mature oaks (many of which are Category A or B) and one veteran oak.
- 4.5.3 Land within the site rises to the north east where built development is proposed. There are panoramic views from the site over the landscape to the north. Existing built development is not overly intrusive.

5 Contribution of the Site to the Green Belt

5.1 Introduction

- 5.1.1 The site lies wholly within the West Midlands Green Belt which was designated in 1975. It is located within the part of the Green Belt that extends most southerly towards Birmingham. In 2019 a Study was commissioned from LUC *‘to undertake an assessment of the Green Belt for the City of Wolverhampton, Dudley, Sandwell and Walsall, (together comprising the Black Country) and South Staffordshire.’*¹⁸ The study was intended to inform the Black Country Plan however, work on this plan was halted in 2022 in favour of Local Plans of each of the four Black Country Councils. The Black Country Green Belt Study continues to form the evidence base for the emerging Sandwell Local Plan.

5.2 Black Country Green Belt Study - Stage 1 and Stage 2 Report, 2019 (CD6.6)

- 5.2.1 The assessment units are described as ‘parcels’. These parcels are *‘the product of the assessment rather than a precursor to it. The reasoning behind this approach was to draw out variations in contribution to inform the site-specific assessments undertaken at Stage 2, avoiding broad variations in contribution within prematurely and more arbitrarily defined parcels. Avoiding significant variations in contribution within defined parcels prevents the need for ratings to be generalised to reflect the strongest or average level of contribution within a defined area.’*¹⁹
- 5.2.2 At Stage 1 the site was identified as within Parcel B81 and it is shown on **MB Figure 5**. There is a clear example of how the assessment process described above was applied in the definition of the Q3 Academy site as a separate parcel, B82, although entirely surrounded by land within Parcel B81. The Q3 Academy site is a discrete area of previously developed land (PDL) within a wider area of undeveloped land (B81A) and as such will inevitably not make the same contribution to the Green Belt purposes as sub-parcel B81A. Should redevelopment of the Academy site occur, for example, if the Academy were to move to a new site, the site would be classed as PDL within the Green Belt and would be covered by different NPPF policies.

¹⁸ Black Country Green Belt Study, Page 5, Paragraph 1.1

¹⁹ Black Country Green Belt Study, Page 43, Paragraph 4.29

- 5.2.3 At Stage 2 land at the western edge of B81 was excluded from the assessment because of the ‘absolute’ constraint of the Hill Farm Bridge Fields SINC designation (See MB Figure 5). The Sub parcel that was taken forward to the assessment was B81A.²⁰
- 5.2.4 Had the Academy site been included within the B81A assessment there would have been ‘significant variations in contribution’²¹ within the sub-parcel and a need to generalise the overall judgments which would have either overestimated the contribution made by the Academy site or underestimated the contribution made by land outside the Academy.
- 5.2.5 The Assessment results for sub-parcel B81A are set out in Table 2 below. I agree with these assessments.

Table 2 - Assessment of Sub-parcel B81A’s Contribution to Green Belt Purposes
 From Black Country Green Belt Study, Page 735

Green Belt purpose	Assessment	Rating
Purpose 1: Checking unrestricted sprawl	Land is adjacent to a large built-up area. It is to an extent contained by urban development but retains openness and some relationship with the wider countryside.	Moderate
Purpose 2: Preventing merging towns.	Land forms a narrow gap between towns, essential to maintaining a sense of separation between them.	Strong
Purpose 3: Safeguarding countryside from encroachment.	Land contains the characteristics of open countryside (i.e. an absence of built or otherwise urbanising uses in Green Belt terms), and has a stronger relationship with the urban area than with the wider countryside (i.e. it is contained in some way by urbanising and/or other features).	Moderate
Purpose 4: Preserving setting and special character of historic towns	Land does not form part of the setting of a historic town.	Weak / No Contribution
Purpose 5: Assist in urban regeneration	All parcels are considered to make an equal contribution to this purpose.	Strong

²⁰ B81A is a sub-parcel within the Stage 1 Parcel B81.

²¹ Black Country Green Belt Study Page 43 Paragraph 4.29

5.3 LVA Approach to the Assessment of Green Belt Purposes

- 5.3.1 The LVA does not agree with the Black Country Green Belt Study assessment of the contribution of B81A to the Green Belt. At 7.12 the LVA considers that the parcels identified by the Black Country Green Belt Study are *‘much larger than the scheme now being assessed, and it is considered that the conclusions in the study have little relevance to the effects arising from the current scheme.’*²² It is assumed that this is referring to the conclusion both on contribution and on harm.
- 5.3.2 The LVA then goes on to define and assess its own parcel which is shown on LVA Figure 15. Rather surprisingly this parcel is in fact significantly larger than B81A. There are some minor adjustments to the south where land within the A6 corridor is omitted but there are two major differences:
- The LVA parcel includes land to the west which was included in the Stage 1 parcel B81 but excluded at the Stage 2 (See MB Figure 5). The reason for the LVA including this area is unclear.
 - The LVA parcel includes the Q3 Academy site whilst sub-parcel B81A does not.
- 5.3.3 I consider that the inclusion of the Academy site is unjustified. As set out above it is a discrete area of PDL within the Green Belt covered by different NPPF policies to the remainder of the sub-parcel which is undeveloped. The rationale behind excluding it from parcel A81 is made clear in the Black Country Green Belt Study methodology as set out on Page 43 Paragraph 4.29 and quoted in paragraph 5.2.1 above. In contrast, the LVA provides no justification for including it. The decision to exclude it was entirely justified and its inclusion by the authors of the LVA is unjustified. The inclusion of the Q3 Academy site results in the generalisation of results that the Black Country Green Belt study sought to avoid.
- 5.3.4 I also disagree with the LVA assessment of the contribution of the site to the Green Belt as set out in the following paragraphs.
- 5.3.5 **Purpose 1 - Checking unrestricted sprawl.** The LVA concludes that this is moderate/low (compared to the moderate assessment in the Black Country Green Belt Study) because *‘The land parcel is heavily influenced by the adjacent built development at Great Barr*

²² LVA Page 30 Paragraph 7.12

*and by development within it including the Q3 Academy.*²³ The presence of adjacent built development is by definition the character of the ‘inner’ Green Belt. Rather than limiting its role in checking the ‘*unrestricted sprawl of large built-up areas*’ it is a clear indicator of the very real potential for unrestricted sprawl.

5.3.6 **Purpose 2 To prevent neighbouring towns from merging into one another.** This is the purpose for which the LVA assessment departs most noticeably from the Black Country Green Belt Study assessment which concludes that sub-parcel B81A makes a strong contribution to this purpose. It is unclear what the LVA justification is for an assessment of ‘low’ contribution. Paragraph 7.15 says ‘*The parcel does not separate clearly identifiable towns*’ but this does not reflect the Black Country Green Belt Study’s very clear identification of *Settlements defined as Towns for Purpose 2* in Table 3.1²⁴. These ‘towns’ are then shown on Figure 3.2²⁵. It is not clear that the authors of the LVA have read this section of the Black Country Green Belt Study and the LVA statement that ‘*Great Barr itself includes part of Birmingham, Sandwell and Walsall*’²⁶ is simply not correct.

5.3.7 I agree with the Black Country Green Belt Study conclusion that sub-parcel B81A forms part of a narrow gap between Great Barr (which is a northern extent of Birmingham) from Walsall to the north²⁷ and that sub-parcel 81A is essential to maintaining a sense of separation between them. Its contribution to this purpose is therefore strong.

²³ LVA Page 31 Paragraph 7.14

²⁴ Black Country Green Belt Study Page 28

²⁵ Black Country Green Belt Study Page 30

²⁶ LVA Paragraph 7.15

²⁷ Lew Tree is included in Walsall for the purposes of the Black Country Green Belt Study although it is with Sandwell MB

- 5.3.8 The LVA Assessment of the contribution towards Purpose 3 & 4 is consistent with the Black Country Green Belt Study assessment for sub-parcel B81A although given that it includes an area excluded from sub-parcel B81A due to its ecological importance the contribution of the LVA parcel to safeguarding the countryside from encroachment should perhaps have been strong. This area is also adjacent to the Rushall Canal.
- 5.3.9 I do not agree with the assessment in the LVA that the contribution to Purpose 5, *to assisting in urban regeneration, by encouraging the recycling of derelict and other urban land*, is neutral. Because all parcels contribute to this purpose the strong contribution that sub-parcel B81A makes does not differentiate it from any other parcel. However, this does not mean that the contribution is neutral. I agree with the conclusion of the Black Country Green Belt Study that sub parcel B81A makes a strong contribution to that purpose.
- 5.3.10 Table 3 below (See MB Figure 5) provides a comparison of my assessment of the contribution to the Green Belt by sub-parcel B81A, which accords with the conclusions of the Black Country Green Belt Study, with the LVA assessment of the contribution of the LVA devised parcel to the Green Belt.

Table 3 Comparison of Assessments with regard to Green Belt Contribution

Green Belt purpose	MB Assessment of sub-parcel 81A	LVA assessment of LVA devised parcel
<i>Purpose 1: Checking unrestricted sprawl</i>	Moderate	Moderate/Low
<i>Purpose 2: Preventing merging towns.</i>	Strong	Low
<i>Purpose 3: Safeguarding countryside from encroachment.</i>	Moderate	Moderate
<i>Purpose 4: Preserving setting and special character of historic towns</i>	Weak / No Contribution	Weak / No Contribution
<i>Purpose 5: Assist in urban regeneration</i>	Strong	Neutral

5.4 Harm to the Green Belt

- 5.4.1 I have considered the conclusion of the Black Country Green Belt Study and the LVA conclusions with regard to harm to the Green Belt in Section 8 below.

5.5 Summary

- 5.5.1 In 2019 a study of the Green Belt within Sandwell was undertaken as part of a wider study, the Black Country Green Belt Study. The site forms a major part of sub-parcel B81A (**MB Figure 5**). I agree with the conclusions of that Study regarding the contribution that B81A makes to the purposes of the Green Belt that B81A:

- Makes a strong contribution to preventing neighbouring towns from merging and assisting urban regeneration, and
- Makes a moderate contribution to checking unrestricted sprawl and safeguarding the countryside from encroachment.

- 5.5.2 I disagree with the LVA inclusion of the Q3 Academy site within the LVA assessment parcel because as Previously Developed Land it is subject to different NPPF policies. I also disagree with the LVA assessment of the contribution that the LVA parcel makes to the purposes of the Green Belt, especially the assessment with regard to preventing neighbouring towns from merging. The LVA seems to have misunderstood the basis on which the Black Country Green Belt Study was undertaken and the definition of ‘towns’ used in that assessment.

6 Landscape Value

6.1 Introduction

6.1.1 GLVIA3 recommends that the value of a landscape is identified at the baseline stage. The sensitivity of a landscape is judged at the assessment stage as a combination of the value of the landscape and its susceptibility. Landscape susceptibility is development-specific and is only assessed once the potential impacts of a development are known. Landscape value is inherent.

6.1.2 It is agreed that the site does not form part of a valued landscape for the purposes NPPF Para 180. In 2021 the Landscape Institute issued a Technical Guidance Note (TGN 2/21, CD6.10) about *Assessing landscape value outside national designations*²⁸. It is the preferred methodology for identifying the special landscape qualities in the landscape that includes the site. TGN 2/21 builds on the assessment of value as set out in GLVIA3 Box 5.1 and supersedes that assessment. The assessment of landscape value in the LVA is consistent with the TGN.

6.2 Landscape Value Assessment

6.2.1 I have undertaken the following assessment based on the factors and indicators identified in Table 1²⁹ of TGN 02/21.

6.2.2 In my assessment, I use the phrase ‘the site and its immediate landscape’ to describe the area whose value I am assessing. This includes those parts of the wider landscape to which the site contributes, or which make a contribution to the site. It is this immediate landscape that development on the site has the potential to affect.

²⁸ I was one of the authors of TGN 2/21

²⁹ Table 1 includes all the factors previously covered by GLVIA Box 5.1.

Table 2: Assessment of Landscape Value - the site and immediate context

Factor	Definition	Landscape Qualities	Value
Natural heritage	<i>Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest which contribute positively to the landscape.</i>	The site and the immediate surrounding landscape are covered by a series of ecological designations (MB Figure 2) including a SINC across the site itself.	High
Cultural heritage	<i>Landscape with clear evidence of archaeological, historical or cultural interest which contribute positively to the landscape.</i>	The identification of the site as a AHHLV is indicative of the significant cultural heritage value of the site. The persistence of field boundaries within the site shown on the 1841 Tithe map that have been almost entirely lost in the surrounding landscape (MB Figures 7 & 8) is an indication of how rare this persistence is in this area.	High
Landscape condition	<i>Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.</i>	The landscape is in good condition. It is not in intensive agricultural use but field boundaries remain well defined and the assemblage of trees within the site is in good condition with a significant number of Category A & B including a veteran oak.	High
Associations	<i>Landscape which is connected with notable people, events and the arts.</i>	None known	None known
Distinctiveness	<i>Landscape that has a strong sense of identity.</i>	The pre-enclosure field system results in a distinctive landscape with a strong sense of identity in strong contrast to the nearby more managed recreational landscapes. Built development within the immediate landscape is not distinctive.	Medium/ high

Factor	Definition	Landscape Qualities	Value
Recreational	<i>Landscape offering recreational opportunities where experience of landscape is important.</i>	<p>Although there are no PRoW within the site the immediate landscape contains both the Beacon Way and a permissive pedestrian/cycle path along the boundary of the Q3 Academy. Within the immediate landscape, there are few PRoWs and the Beacon Way links permissive paths along the Rushall Canal in the west, with Merrion Wood, the Great Barr RPG and Barr Beacon in the east.</p> <p>Part of the Beacon Way adjacent to the western site boundary is poorly maintained and this is currently limiting its use.</p>	Medium
Perceptual (Scenic)	<i>Landscape that appeals to the senses, primarily the visual sense.</i>	<p>The hedgerows and mature trees within the site itself have scenic qualities as do the long distance views over the urban landscape to the north and west which has scenic value on account of its well wooded setting.</p> <p>Elements such as the Q3 Academy with its fencing and roads, the M6 bridge and associated traffic which is visible, and the immediate urban areas are detractors. The line of pylons has a limited effect in the immediate landscape.</p>	Medium/ high

Factor	Definition	Landscape Qualities	Value
Perceptual (Wildness & tranquillity)	<i>Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies.</i>	The site itself and the land west of the Q3 Academy have a considerable sense of tranquillity due to their very natural character. This is of greater relative importance in an area with limited natural countryside. Traffic noise and visibility of built development lessen the sense of tranquillity.	Medium
Functional	<i>Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape.</i>	The presence of the hedgerows, mature trees and meadow grassland indicates that the site and immediate landscape perform a valuable function in the healthy functioning of the landscape.	Medium /high

6.2.4 Overall, the value of the immediate landscape in which the site is located is **Medium/high**. It is not considered to be a valued landscape for the purposes of the NPPF however it does contain landscape features that are valued, in particular the well-preserved example of a pre-enclosure field system with its hedgerows and mature trees, the evidence of ridge and furrow that is visible across the site as cropmarks and the ecological value recognised in its designation as a SINC.

6.2.5 I consider that the LVA has underestimated the value in the following respects:

- With regard to distinctives the LVA says '*The site generally contains no particularly rare or unusual features*'³⁰ In fact the survival of the pre-enclosure field system within the site is described in the Black Country Historic Landscape Characterisation Study as '*a locally rare example*'.³¹
- The functional value of the landscape is downgraded because '*with no public access its value is limited*'.³² This is an incorrect interpretation of functional value.

³⁰ LVA 4.26

³¹ Black Country Historic Landscape Characterisation Study Page 114 Paragraph B4.3

³² LVA 4.30

6.2.6 Despite the underestimation of these factors the LVA concludes that *‘the site and the immediate landscape is of Medium landscape value. The historic hedgerow pattern is of greater value and would suggest that the overall value is at the higher end of “medium”’*³³ I consider that had the distinctiveness of the site and its functional value been given proper weight the LVA would have reached the same conclusion that I have that it has **Medium/high** landscape value.

6.3 Conclusion

6.3.1 The value of the immediate landscape in which the part of the site proposed for built form is located is assessed as **medium/high**. Although it is not considered to be a valued landscape for the purposes of the NPPF it does contain landscape features of considerable value, a locally rare example of early non-parliamentary field pattern and the hedgerows, ditches and mature trees associated with that field pattern. This is indicated by the identification the site as an AHHLV as well as the ecological value recognised in its designation as a SINC.

³³ LVA 4.31

7 Other Assessments

7.1 Introduction

7.1.1 The landscape in which the site is located has been considered in several recent studies that were commissioned to inform the preparation of the Black Country Plan. Although that proposed plan is no longer being pursued the studies remain part of the evidence base for the emerging Sandwell Local Plan. The Studies are:

- Black Country Green Belt Study (2019) (CD6.6)
- Black Country Historic Landscape Characterisation Study (2019) (CD6.21)
- Black Country Landscape Sensitivity Assessment, (2019) (CD6.7)

7.1.2 The Black Country Green Belt Study is considered in Section 5 above and Section 8 below. The Black Country Historic Landscape Characterisation Study is considered in Sections 3 and 6 above and I have not repeated my conclusions on those studies here.

7.2 Black Country Landscape Sensitivity Assessment, 2019 (CD6.7)

7.2.1 This study concerns the landscape sensitivity of areas of Green Belt land within the Black Country. It was undertaken *'alongside, but discrete from the LUC Green Belt Study for the Black Country'*³⁴ It provides *'an assessment of the extent to which the **character and quality of the landscape** abutting the West Midlands conurbation within the Black Country ...is, in principle, susceptible to change as a result of introducing built development.'*³⁵ Importantly it does not consider impacts on the Green Belt.

7.2.2 *'The study highlights likely landscape and visual sensitivities within each assessment area and provides a broad landscape character-based assessment rather than a site level assessment as might be required for a planning application.'*³⁶

7.2.3 Where published landscape character assessments are not available, such as in Sandwell, the assessment areas were defined *'using available data on variations in local landscape*

³⁴ Black Country Landscape Sensitivity Assessment, Page 1 Paragraph 1.1

³⁵ Black Country Landscape Sensitivity Assessment, Page 1 Paragraph 1.4

³⁶ Black Country Landscape Sensitivity Assessment, Page 1 Paragraph 1.7

character including changes in underlying geology, topography, landscape pattern and land use. Boundaries were drawn to existing features in the landscape’.

- 7.2.4 The criteria for assessment of landscape sensitivity are set out in paragraphs 3.16 & 3.17 and in Table 3.1.
- 7.2.5 The site forms part of Landscape Area Reference BL25 which includes land to the north and south of the M6 (LVA Figure 4). It is similar to the Green Belt Parcel B81A with the main difference being the inclusion of the Q3 Academy site and Red House Park which lies to the south of the M6.
- 7.2.6 The overall sensitivity to residential development of BL25 is judged to be Moderate ‘*as it retains many rural qualities, including historic field patterns, ecological value due to the extent of priority habitats and an intact network of mature hedgerows.*’³⁷ Attributes with higher sensitivity to development include the following:
- A predominance of small scale fields divided by largely intact hedgerows and hedgerow trees.
 - The area north of the M6 contains a well-preserved pre-enclosure field system, with ridge and furrow and other cropmarks, and a number of ancient hedgerows and drainage ditches. It is a potential historic landscape area AHHLV25 Peak House Farm Field System.
 - A large proportion of the landscape area to the north is identified as priority habitat good quality semi-improved grassland, and identified as a potential SINC.
 - More elevated areas to the east along the A34 Birmingham Road are widely visible from large areas of the Black Country.³⁸
- 7.2.7 All of the attributes considered to have higher sensitivity are present within / relevant to the appeal site.
- 7.2.8 Several of the attributes where BL25 was considered to have lower sensitivity to development are not within/ relevant to the site. These include the impact of built development and perceptual aspects. For both of these the M6 and the pylon line running through the south of the landscape area are noted as reasons for the lower sensitivity and,

³⁷ Black Country Landscape Sensitivity Assessment, Area Ref BL25, Page A3.26

³⁸ Black Country Landscape Sensitivity Assessment, Area Ref BL25, Page A3.25 & A3.26

with regard to built character, the Q3 Academy is also considered to reduce sensitivity. The appeal site is less affected by noise from the M6 than other parts of BL25, which are closer to the motorway. The site is not noticeably affected by the pylon line which is at some distance from the site and the Q3 Academy has a limited effect on the site.

7.3 Summary

- 7.3.1 The Black Country Landscape Sensitivity Assessment concluded that BL25, the assessment area which includes the site, has moderate sensitivity to built development. All the attributes considered to have higher sensitivity (scale, landscape pattern and time depth, natural character, and visual prominence) are present within / relevant to the appeal site.
- 7.3.2 Several of the attributes where BL25 was considered to have lower sensitivity to development are not within/ relevant to the site.

8 Harm to the Green Belt

8.1 Harm to Spatial Openness

- 8.1.1 There is agreement that the development would be harmful to the spatial openness of the site. (Landscape SoCG paragraph 4.6). The PPG notes that other aspects of the development as well as its footprint and its volume may be relevant and these include visual impacts the duration of the development, its reversibility and the degree of activity it would generate. The proposed development would be permanent and irreversible, it would also generate a considerable degree of activity throughout its life and in all these ways the harm to spatial openness is exacerbated. Impacts on visual openness are assessed separately below.
- 8.1.2 There are many references throughout the application documents to the fact that only 15% of the total site area is proposed for development. This is described in the LVA as '*a limited portion of the site*'³⁹ and it is suggested that this in some way limits the harm both to the Green Belt and to the landscape. This is not correct. The land to be removed from the Green Belt is a land sufficient for 150 dwellings plus associated infrastructure requirements. The harm that results from this is the same, irrespective of how large the application site might be.
- 8.1.3 The LVA describes the proposals for the remaining land as '*Compensatory Improvements to the Green Belt*'⁴⁰ but the proposed 'Wilderness Countryside Park' brings no improvement to the Green Belt. It does not involve the removal of any existing built structures, nor does it increase the contribution of the land covered by the proposed Wilderness Countryside Park⁴¹ to the purposes of the Green Belt. In fact, there is potential for it to harm the Green Belt if parking or other facilities were considered necessary.
- 8.1.4 The appeal proposal would therefore result in unmitigated harm to the spatial openness of the Green Belt.

³⁹ LVA Paragraph 6.7

⁴⁰ LVA Page 33

⁴¹ It is unclear whether features like the proposed SUDS drainage basins and the children's play area would be within the countryside park or the development and therefore unclear as to whether they would be removed from the Green Belt or not.

8.2 Assessments of Harm to the Green Belt

- 8.2.1 Section 5 above sets out my conclusions on the contribution that the site makes to the Green Belt. In summary, I agree with the Black Country Green Belt Study that Parcel B81A in which the site is located makes a strong contribution to preventing neighbouring towns from merging into one another and assisting urban regeneration, and a moderate contribution to checking unrestricted sprawl and safeguarding the countryside from encroachment.
- 8.2.2 I disagree with the inclusion of the Academy Site in the parcel devised by the LVA which I consider results in an inevitable underestimation of the contribution made by the undeveloped land of which the site is a significant part. I also disagree with the LVA assessment with regard to the contribution that either B81A or the LVA Parcel make to prevent neighbouring towns from merging into one another which I consider is the result of a misunderstanding of the definition of ‘towns’.
- 8.2.3 The Black Country Green Belt Study (CD6.6) in its assessment of harm subdivided parcel B81A as follows:
- Sub area 1 (B81As1) which includes all land to the west of Wilderness Lane and therefore includes the site;
 - Sub area 2 (B81As2) which covers a much smaller part of B81A which is located to the east of Wilderness Lane.
- 8.2.4 The Black Country Green Belt Study concludes that the release of land from within B81As1 is likely to result in high harm to the Green Belt. High harm is defined as ‘*Where land makes a strong contribution to one of the Green Belt purposes, and where its release would partially weaken adjacent Green Belt (for example by increasing its containment by urban areas), harm is likely to be high.*’⁴²
- 8.2.5 Paragraphs 6.14-6.21 of the Black Country Green Belt Study set out in detail the criteria used in the study to assess harm that would result from Green Belt release. As well as considering the contributions that each parcel made to the Green Belt the study considered the potential impact of release on the integrity of the remaining Green Belt and notes that ‘*If the new Green Belt boundary results in a longer, more varied edge, or*

⁴² Black Country Green Belt Study Page 78 Paragraph 6.23

*creates a less distinct boundary between settlement and countryside, the Green Belt release under assessment is likely to weaken the wider Green Belt.*⁴³

8.2.6 The explanation of the assessment of high harm for B81As1 is as follows:

*'The sub-parcel makes a strong contribution to maintaining the separation of Walsall and Birmingham and a moderate contribution to preventing the sprawl of the West Midlands conurbation and preventing encroachment on the countryside. The sub-parcel is contained to the east and south by the settlement edge of Great Barr, forming part of the West Midlands conurbation. The motorway bounding the south of the sub-parcel, Birmingham Road bounding the northeast of the sub-parcel and the Rushall Canal and designated SINC bounding the west of the sub-parcel create a strong distinction between the surrounding inset settlements and the land in the north, west and south of the sub-parcel. To the southeast woodland/scrub forms a buffer to the motorway. Any release of land would weaken this narrow settlement gap, in particular if it linked to inset settlement across the motorway. It is noted however that land in the north of the sub-parcel is potentially to be designated as a SINC, which would preclude development. Release of land within the sub-parcel could increase isolation of Green Belt land to the south east (B83A and B84A), so there would be no justification in retaining their Green Belt status, but this would not increase the level of harm to Green Belt purposes.'*⁴⁴
(Emphasis added)

8.2.7 Sub parcel B81As2 is assessed as resulting in less harm, moderate-high and the reasoning for this is as follows:

'The sub-parcel makes a strong contribution to maintaining the separation of Walsall and Birmingham and a moderate contribution to preventing the sprawl of the West Midlands conurbation and preventing encroachment on the countryside. The sub-parcel is contained to the north, east and south by the settlement edge of Great Barr, forming part of the West Midlands conurbation. However, release of land to the east of Wilderness Lane, which also borders the inset settlement edge to the north, would form a consistent boundary that

⁴³ Black Country Green Belt Study Page 77 Paragraph 6.18

⁴⁴ Black Country Green Belt Study Page 735

*would have little impact on the settlement gap. Isolation of Green Belt land to the east (B84A) would not increase harm, due to the limited contribution of that land to Green Belt purposes. It is noted however that this land is potentially to be designated as a SINC, which would preclude development.*⁴⁵ (Emphasis added).

8.3 Harm to the purposes of the Green Belt from this development

8.3.1 Purpose 1. The proposed development would represent unrestricted sprawl. There is no clear rationale for the extent of the area identified for development except that that it is adjacent to the existing settlement; being adjacent to the existing settlement is an essential component in urban sprawl. In addition, as there is no clear rationale for the area proposed for development it has the potential to give rise to further sprawl. If it is justified to build up to one field boundary there is no reasons why it would not be justified to build up to the next one.

8.3.2 It is clear to see why the appeal proposals constitute sprawl when compared with potential development within sub area, B81As2. The area lies between Wilderness Lane to the west and the urban edge to the north east and south. As the Black Country Green Belt Study concludes, Wilderness Lane could form a new consistent boundary and development here would have little impact on the settlement gap. Because Wilderness Lane would form a definite new Green Belt boundary development in B81As2 would not give rise to pressure for sprawl.⁴⁶

8.3.3 Purpose 2. The proposed development would harm the degree of separation between Birmingham and Walsall by reducing the amount of land that is achieving that separation. It would also harm the perception of separation because currently the edges of the separate settlements are clearly defined by existing roads and by well-established boundaries to the settlements. The boundaries that would be affected by the proposed development have been in place since the establishment of the West Midland Green Belt in 1975.

⁴⁵ Black Country Green Belt Study Page 736

⁴⁶ There are other reasons why despite this the harm to the Green Belt would still be moderate-high.

- 8.3.4 **Purpose 3.** The proposed development would result in encroachment into the countryside which is accepted by the LVA (paragraph 7.22). As identified above, the site is an area of countryside that has been identified as having high historic landscape value. It contains mature historic hedgerows and mature trees, including a veteran oak. Some of these hedgerows would be subsumed by the development and their historic and countryside purpose lost. As noted by the Inspector for an appeal at Weathersfield Road, Finchingfield, Essex (APP/Z1510/W/17/3172575) the preservation of field boundaries within a development *'would in no way compensate for the loss of their agricultural use - a housing estate is not a field.'*⁴⁷ As the footnote to this sentence indicates this was accepted by Mr Holliday, the appellant's witness at this appeal, in answer to the Inspector's question at the inquiry.
- 8.3.5 The encroachment into the countryside would therefore not only result in the loss of approximately 4ha of countryside it is also 4ha of countryside that contains valued landscape features.
- 8.3.6 **Purpose 4.** As it is agreed that the site makes no contribution to the setting of a historic town this purpose would not be harmed.
- 8.3.7 **Purpose 5.** The appeal proposals have the potential to harm the purpose to assist in urban regeneration as allowing development on this might prejudice an area of brownfield land coming forward elsewhere.
- 8.3.8 The appeal proposals represent in several respects the type of harm that is identified in the Black Country Green Belt Study in paragraphs 6.14-6.21. As well as resulting in loss of Green Belt land the development proposed would harm the integrity of the retained Green Belt. This is in large part due to the lack of rationale behind the extent of the development. The development would result in exactly the situation highlighted in the Black Country Green Belt Study *'If the new Green Belt boundary results in a longer, more varied edge, or creates a less distinct boundary between settlement and countryside, the Green Belt release under assessment is likely to weaken the wider Green Belt.'*⁴⁸
- 8.3.9 **MB Figure 11** shows the location of a potential new Green Belt boundary if the appeal were allowed. It is longer, more varied and creates a less distinct boundary between the

⁴⁷ APP/Z1510/W/17/3172575 Weathersfield Road, Finchingfield Paragraph 46

⁴⁸ Black Country Green Belt Study Page 77 Paragraph 6.18

settlement and countryside than the existing boundary. It would also be clearly much more vulnerable to pressure for further development than the existing boundary.

8.4 Harm to Visual Openness

- 8.4.1 The LVA claims that the effects on visual openness would be ‘*very limited*’⁴⁹ I disagree. There would be clear views of development from Wilderness Lane and this would be exacerbated by the hedgerow removal for the access road sightlines (See **MB Figure 12**). The hedgerow along almost the whole length of the built section of the site will need to be removed and the northernmost end will be left as a fragment of hedge. Even assuming that new hedgerows are planted behind the sightlines there will be clear views down the access road and a very marked loss of visual openness.
- 8.4.2 Three storey houses on the edge of the A34 will be visible and this will also be exacerbated by the loss of hedgerow for pedestrian/cycle access and for an emergency vehicular access. It is likely that the depth of development will be apparent from the A34. The change in level between the site and the pavement on the A34, about 1m in places, is likely to exacerbate the harm as regrading will be required for the cycle route and emergency vehicular access.
- 8.4.3 The development will be visible from the cycle path alongside the Academy and from some parts of Beacon Way, especially in winter. If the Beacon Way were rerouted, as proposed by the Appellant, the loss of visual openness would be especially apparent at the north western corner where the path is proposed to run through the development.
- 8.4.4 Due to the sloping nature of the site, it has increased visibility in the wider landscape. From Thorncoft Way in Yew Tree (LVA Vp 12 and MB Vp E) the site is seen as rising land that closes the view. A few houses on Wilderness Lane are clearly visible even in summer on what appears to the ridge and more existing houses will be visible winter. Houses within the appeal proposal would also be visible, extending views of build development along the apparent ridge. There will be a noticeable loss of visual openness, especially in winter.

⁴⁹ LVA Page 33, Paragraph 7.30

8.4.5 The LVA appears to equate the assessment of effects on visual openness with an assessment of visual amenity where only public viewpoints are considered. At an appeal regarding unauthorised extensions to a house within the Green Belt the Inspector concluded that even though the built form were *'not visible from public vantage points they are still capable of affecting openness.'*⁵⁰ (Paragraph 25)

8.5 Summary

8.5.1 It is agreed that the appeal proposals would be harmful to the spatial openness of the Green Belt. The permanence and irreversibility of the development and the activity that it would generate would exacerbate that harm. The fact that the application site is much larger than the area of built development does nothing to lessen the harm to openness. The proposed countryside park would bring no improvements to the Green Belt and the appeal proposal would therefore result in unmitigated harm to the Green Belt.

8.5.2 The Black Country Green Belt Study concludes that release of land from within B81As1 is likely to result in high harm to the Green Belt and this is borne out by my assessment of harm. The proposed development would result in harm (or potential harm) to four of the five purposes of the Green Belt because:

- It would represent unrestricted sprawl and would also give rise to pressure for further sprawl;
- It would harm the degree of separation between Birmingham and Walsall by a physical reduction in land and by replacing clearly defined edges of settlement with a weak and irrational new boundary;
- It would result in encroachment into the countryside with the loss of approximately 4ha of countryside that contains valued landscape features; and
- It has the potential to harm the purpose to assist in urban regeneration.

8.5.3 The harms are exacerbated by the lack of rationale for the area identified for development. It would result in a longer Green Belt boundary with a more varied edge and would result in a less distinct boundary between settlement and countryside. This would weaken the retained Green Belt by harming its integrity.

⁵⁰ Land at Heath Cottage, Godalming APP/Y3615/C/21/3272739/40, Paragraph 25

- 8.5.4 There would be a noticeable loss of visual openness from Wilderness Lane and the A34 but also from the pedestrian route that runs along the site boundary and from some more distant viewpoints due to the sloping and elevated character of the site.

9 Landscape Effects of the Proposals

9.1 Landscape Harm

9.1.1 The landscape effects of the proposals are the result of:

- The loss of valued landscape features within the site;
- Harm to retained valued landscape features within the site;
- Harm to the historic field pattern;
- Changes to the character of Wilderness Lane; and
- Location of built development on the highest part of the site.

9.1.2 These effects have generally been described above when considering the effect on the countryside within the Green Belt and I do not repeat those details here.

9.1.3 The AHHLV identifies the site as part of an area where a locally rare example of early non-parliamentary field pattern has survived. **MB Figure 7** shows the extent of these field patterns in 1841 and **MB Figure 8** shows how outside of the site they have been mostly lost. Currently, this area has a degree of integrity which has been maintained due to the strong boundaries which have been in place for at least 50 years.

9.1.4 The harm that the proposed development would cause to the locally rare example of early non-parliamentary field pattern is not just limited to the areas that would be lost to built development but the breaching of these boundaries which have been in place for around 50 years and have enabled the survival of the historic field pattern. Once breached the remaining fields would become more vulnerable. Breaching the boundaries will also mean the loss or fragmentation of the historic hedgerows along them.

9.1.5 **MB Figure 9** shows the location of Category A oak trees within the site. The context for several of these Category A trees, including the T6 veteran oak will be significantly changed. Whilst development may have been kept from within their root protection areas many will have lost their rural context.

9.2 Landscape Sensitivity - the Site and Immediate Landscape

9.2.1 The sensitivity of the site is a combination of the **susceptibility** of the site (and the surrounding landscape) to the development proposed and the **value** placed on the site and the surrounding landscape.

9.2.2 The susceptibility to change of a landscape is its ability '*to accommodate proposed development without undue consequences for the maintenance of the baseline situation and/or the achievement of landscape planning policies and strategies*'.⁵¹ GLVIA3 makes it clear that the assessment of susceptibility '*should not be recorded as part of the landscape baseline but should be considered a part of the assessment of effects*'.⁵²

9.2.3 The susceptibility of the site within its immediate landscape to the proposed development is due to:

- The historic landscape features that it contains which have been identified as having historic landscape value;
- The countryside setting that it provides for the settlements that it adjoins.

9.2.4 I consider that the site within its immediate landscape has **medium/high** susceptibility to the development proposed. Taking into account the **medium/high** value of the landscape in which the site is located, I consider that the sensitivity of the site to the proposed development is **medium/high**.

9.2.5 I consider the magnitude of change to be **medium** and the nature of the change adverse. The overall effect on the site and its immediate landscape would be **moderate/major adverse**.

⁵¹ GLVIA3 Page 88, Paragraph 5.40

⁵² GLVIA3 Page 89, Paragraph 5.42

9.3 Mitigation

9.3.1 The harm derives largely from the loss of the historic character of the landscape, and this would remain lost even after 15 years. Although the countryside park might be welcomed there is no evidence that there is a lack of public open space in Sandwell but rather a lack of money to maintain them adequately. (Sandwell Green Spaces Strategy 2022, CD not yet allocated). In addition, as a countryside park, there is the potential for the site to lose its historic agricultural character which is a key part of its value. I therefore do not consider that the countryside park proposal will mitigate the identified harm to the historic character of the landscape.

9.4 LVA Assessment of Landscape Harm

9.4.1 The LVA Methodology contains a detailed explanation of how the assessment of landscape effects is undertaken which includes:

- *‘The characteristics of the existing landscape resource are considered in respect of the **susceptibility** of the landscape resource to the change arising from this development. The **value** of the existing landscape is also considered.’⁵³ And*
- *‘The level of effect is determined by considering the **sensitivity** of the landscape receptors and the **magnitude** of effect on the landscape.’⁵⁴ (Emphasis added)*

9.4.2 However, the LVA itself only assesses one of these factors (value which it concludes is the high side of medium). The assessment of landscape effects during operation is contained in paragraph 6.7 which concludes that *‘Effects upon the site and its immediate context are considered to be **Moderate Adverse** with the potential to become **Moderate/Minor Adverse in the long term.**’* There is no transparency as to how this conclusion is reached.

⁵³ LVA Paragraph 2.10

⁵⁴ LVA Paragraph 2.12

9.5 Summary

9.5.1 The landscape effects of the proposals are the result of:

- The loss of valued landscape features within the site;
- Harm to retained valued landscape features within the site;
- Harm to the historic field pattern;
- Changes to the character of Wilderness Lane; and
- Location of built development on the highest part of the site.

9.5.2 The site and its immediate landscape has **medium/high** value, **medium/high** susceptibility and therefore **medium/high** sensitivity. The magnitude of change is **medium** and the overall effect on the site and its immediate landscape would be **moderate/major adverse**. The mitigation proposed will not address the harms identified.

10 Effects on Visual Amenity

10.1 Introduction

10.1.1 Visual changes that result in changes to visual openness have been described in Section 8 above and I do not repeat that assessment here. This section is concerned with the visual receptors that will experience those changes. Visual effects are a result of the sensitivity of visual receptors to the proposed development and the magnitude of changes to existing views.

10.1.2 GLVIA3 provides guidance on the relative sensitivity of different visual receptors (Page 113-114). In summary, the most sensitive receptors are:

- Residents at home;
- People engaged in outdoor activities whose attention is focused on the landscape and views; and
- Visitors to heritage assets or other attractions where views are an important part to the experience.

10.1.3 The least sensitive receptors are:

- People engaged in outdoor sports or activities which do not depend on an appreciation of views; and
- People at their place of work (although this can vary).

10.1.4 The sensitivity of road users varies. People on busy or main routes are considered to have medium or low sensitivity, whilst users of rural roads or scenic routes will have medium or even high sensitivity.

10.1.5 Visual receptors who would be affected by this development are:

- Users of the Beacon Way
- Users of the pedestrian/cycle path along the edge of the Q3 Academy
- Users of Wilderness Lane,
- Users of the A34
- Residents of Yew Tree using Thorncroft Way, one of the main streets in the settlement.

- 10.1.6 I agree with the LVA that users of the Beacon Way and the permissive pedestrian/cycle path along the edge of the school have **high sensitivity**. The magnitude of change will be **medium** and the effect **moderate/major** adverse.
- 10.1.7 I consider that some users of Wilderness Lane, especially residents will have **medium/high sensitivity** as they will be sensitive to changes in their local views especially where views across the countryside are valued. They are likely to be especially valued due to the rarity of a rural outlook this deep in the West Midlands urban conurbation. One of the residents described to me her pleasure in seeing a hay crop being taken off Field 14, one of the fields identified for development. The magnitude of change on Wilderness Lane due to the loss of the hedgerow and the introduction of built development into an area with a distinctive rural character will be **high** even though it only represents a small section of Wilderness Lane. The effect will be **moderate/major** adverse.
- 10.1.8 Users of the A34 will be less sensitive as it is a busy road. However, the change will also be very noticeable as open rural views will be replaced by three story houses. The sensitivity of users of the A34 is **medium** and the magnitude of change will be **medium**. The overall effect will be **moderate** adverse.
- 10.1.9 Residents of Yew Tree using Thorncroft Way are likely to value the view of the site as it is towards a rural landscape from the edge of a relatively dense urban area. The elevated nature of the site seen from here also increases its prominence and the role it plays in the setting of the settlement. The sensitivity of users of Thorncroft Way is **medium** and the magnitude of change **medium/low**. The overall effect will be **moderate/minor** adverse.
- 10.2 **Summary**
- 10.2.1 There would be harm to the visual amenity of users of:
- The Beacon Way;
 - The permissive path alongside the Q3 Academy;
 - Wilderness Lane;
 - The A34; and
 - Thorncroft Way.
- 10.2.2 The level of harm will range from be **moderate/major** adverse to **moderate/minor** adverse

11 Compliance with Landscape Related Planning Policies

11.1 Introduction

- 11.1.1 This section assesses the proposals in the context of the relevant landscape related planning policies. It considers the proposals against the policies as drafted. It does not consider the weight to be attributed to the policies or inconsistency with the policies. This is addressed in the evidence of the Council's planning witness.

11.2 NPPF

- 11.2.1 The development would result in a loss of openness, both spatial and visual. It would result in urban sprawl, would fail to support four of the five purposes of the Green Belt and would therefore result in considerable harm to the Green Belt.
- 11.2.2 In addition, the proposals would be contrary to other NPPF objectives in that:
- The natural, and historic environment would be harmed (Paragraph 8c);
 - It would not reflect the character of the local area (Paragraph 9);
 - It would not be sympathetic to local character and history, or the landscape setting (Paragraph 135b & c);
 - It would diminish the current strong sense of place (Paragraph 135d);
 - It would not recognise the intrinsic character and beauty of the countryside (Paragraph 180b).

11.3 Conclusion

- 11.3.1 The proposed development would not be consistent with national policies and objectives that seek to protect the openness of the Green Belt and prevent urban sprawl. It would also not be consistent with national policy objectives to recognise the intrinsic character and beauty of the countryside.

12 Summary and Conclusions

12.1 Introduction

- 12.1.1 My evidence addresses the first reason for the refusal of planning permission by SMBC for Proposed 150 dwellings, a countryside park and associated works on land within the Green Belt north of Wilderness Lane, Great Barr.

12.2 Landscape Related Planning Policy

- 12.2.1 National and development plan policies expect new development to:
- Protect and enhance valued landscapes;
 - Recognise the intrinsic character and beauty of the countryside;
 - Maintain the openness of Green Belt and support its purposes;
 - Protect Green Belt from inappropriate development; and
 - Protect and promote historic character and local distinctiveness;

12.3 Existing Landscape: Published Landscape Character Assessments

- 12.4 The site is located within NCA 67 Cannock Chase and Cank Wood. The area surrounding the site is typical of the complex and contrasting settlement pattern to be found in this NCA with a mosaic of urban areas, former industrial land and patches of farmland.

- 12.5 The site itself represents one of those ‘patches of farmland’ that have survived adjacent to the urban area. It contains a series of Irregular enclosure fields which represent the oldest historic landscape character (HLC) type in the area. The importance of the persistence of landscape features associated with this HLC type, both historic and natural, has been recognised in its identification as an Area of High Historic Landscape Value (AHHLV). These are areas considered to be of particular value or rarity within the Black Country. The area in which the site is located contains a locally rare example of early non-parliamentary field pattern, probably pre 1750.

12.6 Existing Landscape Character: Appeal Site and Immediate Context

- 12.6.1 The site lies within an area of Green Belt defined by long-established boundaries which have given the area a considerable degree of integrity. The Q3 Academy is located immediately south of the site.
- 12.6.2 The site is entirely composed of agricultural fields of an irregular character that demonstrate considerable time depth. The most distinctive features of the site are the hedgerows with ditches that define the field pattern. The hedgerows include mature oaks (many of which are Category A or B) and one veteran oak.
- 12.6.3 Land within the site rises to the north east where built development is proposed. There are panoramic views from the site over the landscape to the north. Existing built development is not overly intrusive.

12.7 Contribution of the Site to the Green Belt

- 12.7.1 In 2019 a study of the Green Belt with Sandwell was undertaken as part of a wider study, the Black Country Green Belt Study. The site forms a major part of sub-parcel B81A (MB Figure 5). I agree with conclusions of that Study regarding the contribution that B81A makes to the purposes of the Green Belt that B81A:
- Makes a strong contribution to preventing neighbouring towns from merging and assisting urban regeneration, and
 - Makes a moderate contribution to checking unrestricted sprawl and safeguarding the countryside from encroachment.
- 12.7.2 I disagree with the LVA inclusion of the Q3 Academy site within the LVA assessment parcel in particular because as Previously Developed Land it is subject to different NPPF policies. I also disagree with the LVA assessment of the contribution that the LVA parcel makes to the purposes of the Green Belt. In particular, I disagree with the assessment with regard to preventing neighbouring towns from merging. The LVA seems to have misunderstood the basis on which the Black Country Green Belt Study was undertaken and the definition of 'towns' used in that assessment.

12.8 Landscape Value

- 12.8.1 The value of the immediate landscape in which the part of the site proposed for built form is located is assessed as **medium/high**. Although it is not considered to be a valued landscape for the purposes of the NPPF it does contain landscape features of considerable value especially a locally rare example of early non-parliamentary field pattern and the hedgerows, ditches and mature trees associated with that field pattern. This value is indicated by the identification the site as an AHHLV as well as the ecological value recognised in its designation as a SINC.

12.9 Other Studies

- 12.9.1 The Black Country Landscape Sensitivity Assessment concluded that BL25, the assessment area which includes the site, has moderate sensitivity to built development. All the attributes considered to have higher sensitivity (scale, landscape pattern and time depth, natural character, and visual prominence) are present within / relevant to the appeal site.
- 12.9.2 Several of the attributes where BL25 was considered to have lower sensitivity to development are not within / relevant to the site.

12.10 Harm to the Green Belt

- 12.10.1 It is agreed that the appeal proposals would be harmful to the spatial openness of the Green Belt. The permanence and irreversibility of the development and the activity that it would generate would exacerbate that harm. The fact that the application site is much larger than the area of built development does nothing to lessen the harm to openness. The proposed countryside park would bring no improvements to the Green Belt and the appeal proposal would therefore result in unmitigated harm to the Green Belt.
- 12.10.2 The Black Country Green Belt Study concludes that release of land from within B81As1 is likely to result in high harm to the Green Belt and this is borne out by my assessment of harm. The proposed development would result in harm (or potential harm) to four of the five purposes of the Green Belt because:
- It would represent unrestricted sprawl and would also give rise to pressure for further sprawl;

- It would harm the degree of separation between Birmingham and Walsall by a physical reduction in land and by replacing clearly defined edges of settlement with a weak and irrational new boundary;
- It would result in encroachment into the countryside with the loss of approximately 4ha of countryside that contains valued landscape features; and
- It has the potential to harm the purpose to assist in urban regeneration.

12.10.3 The harms are exacerbated by the lack of rationale for the area identified for development. It would result in a longer Green Belt boundary with a more varied edge and would result in a less distinct boundary between settlement and countryside. This would weaken the retained Green Belt by harming its integrity.

12.10.4 There would be a noticeable loss of visual openness from Wilderness Lane and the A34 but also from the pedestrian route that runs along the site boundary and from some more distant viewpoints due to the sloping and elevated character of the site.

12.11 Landscape Effects

12.11.1 The landscape effects of the proposals are the result of:

- The loss of valued landscape features within the site;
- Harm to retained valued landscape features within the site;
- Harm to the historic field pattern;
- Changes to the character of Wilderness Lane; and
- Location of built development on the highest part of the site.

12.11.2 The site and its immediate landscape has **medium/high** value, **medium/high** susceptibility and therefore **medium/high** sensitivity. The magnitude of change is **medium** and the overall effect on the site and its immediate landscape would be **moderate/major adverse**. The mitigation proposed will not address the harms identified.

12.12 Visual Effects

12.12.1 There would be harm to the visual amenity of users of:

- The Beacon Way,
- The permissive path alongside the Q3 Academy,
- Wilderness Lane
- The A34
- Thorncroft Way.

12.12.2 The level of harm will range from **moderate/major** adverse to **moderate/minor** adverse.

12.13 Compliance with Landscape Related Planning Policies

12.13.1 The proposed development would not be consistent with national policies and objectives that seek to protect the openness of the Green Belt and prevent urban sprawl. It would also not be consistent with national policy objectives to recognise the intrinsic character and beauty of the countryside.

GLOSSARY AND ABBREVIATIONS

GLVIA	Guidelines for Landscape and Visual Impact Assessment, Third Edition, published jointly by the Landscape Institute and Institute of Environmental Management and Assessment, 2013.
Indirect effects*	Effects that result indirectly from the proposed project as a consequence of the direct effects, often occurring away from the site, or as a result of a sequence of interrelationships or a complex pathway. They may be separated by distance or in time from the source of the effects.
Key Landscape* Characteristics	Those combinations of elements which are particularly important to the current character of the landscape and help to give an area its particularly distinctive sense of place.
Landscape character*	A distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape and how this is perceived by people. It reflects particular combinations of geology, landform, soils, vegetation, landuse and human settlement. It creates the particular sense of place of different areas of the landscape.
Landscape designations	Areas protected by law or through planning policies for reason of their landscape qualities e.g. National Parks, AONB and Local Landscape Designations.
Landscape effects	Effects on the landscape as a resource in its own right. Change in the elements, characteristics, character, and qualities of the landscape as a result of development.
Landscape elements	A component part of the landscape, such as trees, hedges, buildings and ponds.
Landscape features	Prominent eye-catching elements, e.g. tree clumps, wooded hill tops, and church towers/spires.
Landscape quality (or condition)*	Based on judgements about the physical state of the landscape, and about its intactness, from visual, functional, and ecological perspectives. It also reflects the state of repair of individual features and elements which make up the character in any one place.
Landscape qualities	Term used to describe the aesthetic or perceptual and intangible characteristics of the landscape such as scenic quality, tranquillity, sense of wildness or remoteness. Cultural and artistic references may also be described here.
Landscape value*	The relative value that is attached to different landscapes by society. A landscape may be valued by different stakeholders for a wide variety of reasons.
LCA	Landscape Character Area – single unique areas that are the discrete geographical areas of a particular landscape type.
LCT	Landscape Character Type – distinct types of landscape that are relatively homogeneous in character. They are generic in nature may occur in different areas in different parts of the country.
LVIA	Landscape and Visual Impact Assessment.
Magnitude*	A term that combines judgements about the size and scale of the effect. The extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration.
Mitigation	Measures including any process, activity, or design to avoid, reduce, remedy or compensate for adverse environmental impact or effects of a development.
NCA	National Character Areas. Landscape character areas as defined for the whole of England.
Photomontage*	A visualisation which superimposes an image of a proposed development upon a photograph or series of photographs.
Receptor	Physical or perceptual landscape resource, special interest, viewer group or individuals that may be affected by a proposal.
Scale Indicators*	Landscape elements and features of a known or recognisable scale such as houses, trees and vehicles that may be compared to other objects where the scale of height is less familiar, to indicate their true scale.
Sense of Place (genius loci)*	The essential character and spirit of an area: genius loci literally means ‘spirit of the place’.

Sensitivity*	A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.
Tranquillity*	A state of calm and quietude associated with peace, considered to be a significant asset of landscape.
Type or Nature of Effect	Whether an effect is direct or indirect, temporary or permanent, positive (beneficial), neutral or negative (adverse) or cumulative.
Visual amenity*	The overall pleasantness of the views people enjoy of their surroundings which provide an attractive visual setting or backdrop for the enjoyment of activities of the people living, working and recreating, visiting or travelling through an area.
Visual effect*	Effects on specific views and on the general visual amenity experienced by people.
Visualisation*	A computer stimulation, photomontage, or other technique illustrating the predicted appearance of a development.

Note: Descriptions marked with an asterisk are identical to those provided in the Third Edition Guidelines for Landscape and Visual Impact Assessment glossary or text.

MB APPENDIX 2

Methodology



Methodological Approach for Landscape and Visual Assessment

Introduction

1. The methodology used by Michelle Bolger Expert Landscape Consultancy (MBELC) when preparing evidence on landscape and visual issues is based on *Guidelines for Landscape and Visual Impact Assessment*, Third Edition 2013 (GLVIA3) prepared by the Landscape Institute/Institute of Environmental Management and Assessment. The methodology also identifies where the approach adopted has been informed by the consideration of specific landscape or visual issues by the courts or by inspectors at public inquiry.
2. Landscape/ townscape effects are effects on the fabric and character of the landscape/ townscape. Visual effects are effects on people and are concerned with the impact of the proposals on the amenity of those people who will experience visual changes as a result of the proposals.
3. GLVIA3 sets out the processes that should be followed in the preparation of a Landscape and Visual Impact Assessment (LVIA), required for development that is the subject of an Environmental Impact Assessment (EIA), and for a Landscape and Visual Appraisal (LVA) required for development that is not the subject of an EIA. With regard to the differences between a LVIA and a LVA, GLVIA3 states that '*the overall principles and the core steps in the process are the same*'¹ and sets out the differences in defined procedures as follow:

'As a 'standalone' appraisal the process is informal and there is more flexibility, but the essence of the approach - specifying the nature of the proposed change or development; describing the existing landscape and the views and visual amenity in the area that may be affected; predicting the effects, although not their likely significance; and considering how those effects might be mitigated - still applies'.²

¹ Guidelines for Landscape and Visual Impact Assessment, 2013 Page 26 Paragraph 3.2

² Guidelines for Landscape and Visual Impact Assessment, 2013 Page 26 Paragraph 3.2

Baseline Assessment

4. GLVIA3 sets out the factors that should be considered in establishing a study area and determining the baseline conditions. (GLVIA3 Page 32 Paragraphs 3.15-3.17) *‘For the landscape baseline the aim is to provide an understanding of the landscape in the area that may be affected - its constituent elements, its character and the way this varies spatially, its geographic extent, its history (which may require its own specialist study), its condition, the way the landscape is experienced, and the value attached to it.’*³
5. The **value** of a landscape is: *‘the relative value that is attached to different landscapes by society, bearing in mind that a landscape may be valued by different stakeholders for a variety of reasons...A review of existing landscape designations is usually the starting point in understanding landscape value but the value attached to undesignated landscapes also needs to be carefully considered’.*⁴
6. The National Planning Policy Framework (NPPF) (revised December 2023) in paragraph 180 states that:
‘Planning policies and decisions should contribute to and enhance the natural and local environment by: (inter alia)
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
7. Valued landscapes include nationally and internationally designated landscapes. The statutory status of nationally designated landscapes is set out in the National Parks and Access to the Countryside Act 1949 and the CROW Act 2000. This status is reflected in NPPF Paragraph 182 and local planning policies.
8. NPPF paragraph 180 Valued Landscapes are not restricted to designated landscapes. Technical Guidance Note 02/21 *Assessing landscape value outside national designations* (TGN 02/21) issued by the Landscape Institute expands on the advice in GLVIA3. Table 1 in TGN 02/21 includes a range of Factors that can be considered when identifying landscape value. It is useful in determining which aspects of a site /landscape are important to protect or enhance. This builds on the assessment of value as set out in GLVIA3 Box 5.1. It confirms that:

³ Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013, Page 32, Paragraph 3.15

⁴ Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013, Page 80, Paragraph 5.19

*‘When assessing landscape value of a site as part of a planning application or appeal it is important to consider not only the site itself and its features/elements/characteristics/qualities, but also their relationship with, and the role they play within, the site’s context. Value is best appreciated at the scale at which a landscape is perceived - rarely is this on a field-by-field basis’.*⁵

9. Judgements about the value of a landscape are recorded on a verbal scale of high, medium and low with an overall conclusion that if the landscape in which a site is located has ‘high’ value this is likely to equate to a NPPF paragraph 180 ‘Valued Landscape’.

Landscape Effects

10. Landscape effects can be effects on the fabric of the landscape or on landscape character. Effects on landscape character often extend beyond the site itself and are a consequence of visual changes which affect the pattern and character of the landscape.
11. The assessment of the **sensitivity** of the landscape is directly related to the type of development proposed. Landscape Sensitivity is derived from: *‘combining judgements of their [the landscape receptors’] susceptibility to the type of change or development proposed and the value attached to the landscape’*⁶. As identified above, the value of the landscape is assessed as part of the baseline, whereas the assessment of the susceptibility to change of a landscape must be tailored to individual projects and *‘should not be recorded as part of the landscape baseline but should be considered as part of the assessment of effects’*.⁷
12. The **susceptibility to change** of a landscape is: *‘the ability of the landscape receptor (whether it be the overall character or quality/condition of a particular landscape type or areas, or an individual element and/or feature, or a particular aesthetic and perceptual aspect) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation and/or the achievement of landscape planning policies and strategies’*.⁸ Judgements about the **susceptibility** of the landscape are recorded on a verbal scale of high, medium and low and the basis for the judgements is made clear and linked back to evidence from the baseline study as required by GLVIA Para 5.43.

⁵ Assessing landscape value outside national designations TGN 02/21 Paragraph 2.4.5 Bullet Point 5

⁶ Guidelines for Landscape and Visual Impact Assessment, 2013 Page 88 Paragraph 5.39

⁷ Guidelines for Landscape and Visual Impact Assessment, 2013 Page 89 Paragraph 5.42

⁸ Guidelines for Landscape and Visual Impact Assessment, 2013 Page 88 Paragraph 5.40

13. Judgements about sensitivity of the landscape are a result of combining judgments regarding value and susceptibility. This is recorded on a verbal scale of high, medium and low and the basis for the judgements is made clear.
14. Judgements about the magnitude of change for landscape effects are recorded on a verbal scale of high, medium, low and negligible, based on the principles set out in GLVIA3 paragraphs 5.48-5.52 which includes a consideration of scale, geographical extent and the duration and reversibility of the landscape effects.
15. Judgements about the overall significance⁹/ importance of landscape effects, are recorded on a verbal scale of major, moderate, minor and negligible, based on the principles set out in GLVIA3 paragraphs 5.53-5.57. The underlying principles are summarised in GLVIA Figure 5.10 (Page 92) which has been adapted below.

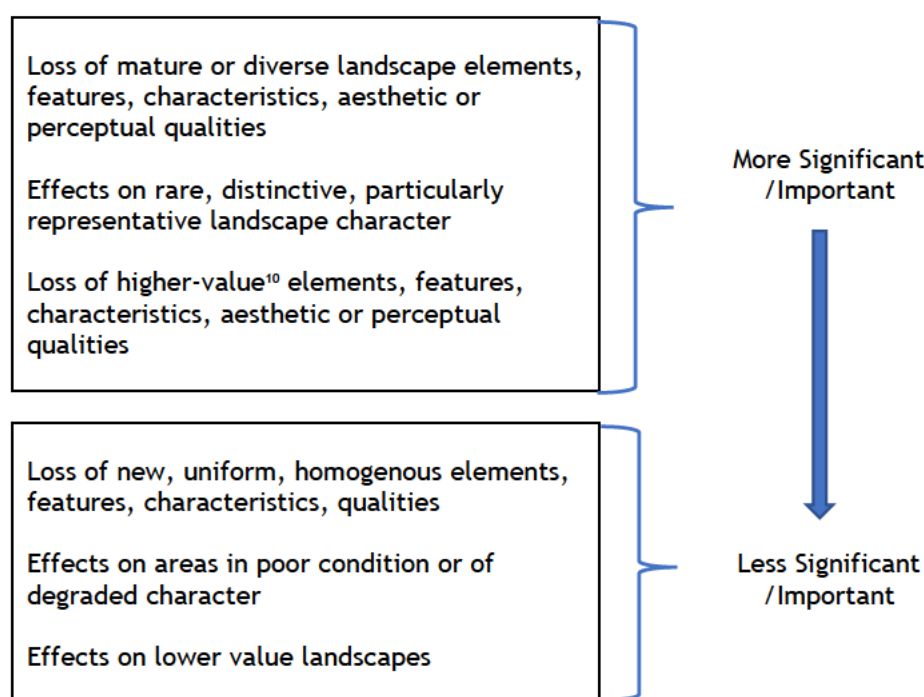


Figure 1 - Scale of Significance/Importance
(Derived from GLVIA3 Figure 5.10 Page 92 Scale of Significance)

⁹ Significance of effect is the term used when undertaking an LVIA as part of an EIA.

¹⁰ The Figure on Page 92 says 'loss of lower-value elements', but this is an error in the text identified in GLVIA3 Statement of Clarification 2/13 8-07-13. It should read 'Loss of higher-value elements'.

16. The reasons for reaching the final judgments on landscape effects are always made clear in the text. However, the following diagram in Figure 2 can assist in understanding the way in which the judgments regarding landscape sensitivity and magnitude of change are combined to reach a final judgment on the significance/importance of the landscape effects.

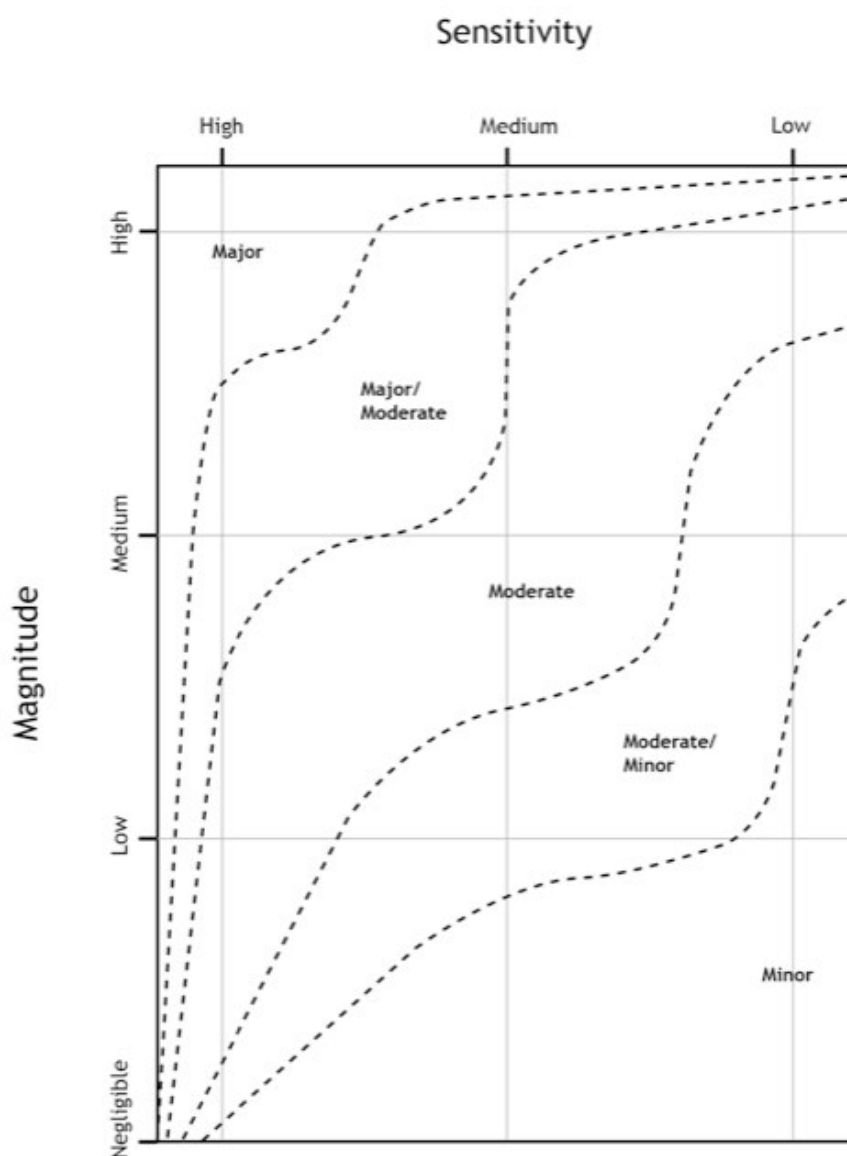


Figure 2 (MBELC) - Significance / Importance of Effects

Visual Effects

17. Judgments about visual effects are derived from a consideration of the sensitivity of visual receptors to the proposed development, and the magnitude of change to their existing visual amenity. Changes in landscape character may also be a result of visual changes but these are considered under landscape effects.
18. GLVIA3 provides guidance on the relative sensitivity of different visual receptors (GLVIA3 paragraphs 6.31-6.37). In summary, the most sensitive receptors are:
 - Residents at home;
 - People engaged in outdoor activities whose attention is focused on the landscape and view; and
 - Visitors to locations where views are an important part of the experience.
19. The least sensitive receptors are:
 - People engaged in outdoor sports or activities which do not depend on an appreciation of views; and
 - People at their place of work (although this can vary).
20. The sensitivity of road users varies. People on busy or main routes are considered to have medium or low sensitivity, whilst users of rural roads or scenic routes will have medium or even high sensitivity.
21. Judgments are recorded on a verbal scale of high, medium and low. Visual receptors who would be affected by the development are identified in groups and their sensitivity assessed combining issues relating to their susceptibility and the value attached to the views affected.
22. Judgments about the **magnitude of change** for visual effects are recorded on a verbal scale of high, medium, low and negligible based on the principles set out in GLVIA3 paragraphs 6.38-6.41 which includes a consideration of scale, geographical extent and the duration and reversibility of the visual effects.

23. *‘Significance of visual effects is not absolute and can only be defined in relation to each development and its specific location’¹¹. Judgments about the overall importance of visual effects are recorded on a verbal scale of major, moderate, minor and negligible, based on the principles set out in GLVIA3 paragraphs 6.42-6.45. The underlying principles are summarised in Paragraph 6.44:*

‘There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances varied the location and context and with the type of proposal. In making a judgement about significance of visual effects the following points should be noted:

- Effects on people who are particularly sensitive to changes in views and visual amenity are more likely to be significant.*
- Effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant.*
- Large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view.’¹²*

24. The reasons for reaching the final judgments on visual effects are always made clear in the text. However, Figure 2 above can assist in understanding the way in which the judgments regarding visual receptor sensitivity and magnitude of change are combined to reach a final judgment on the significance / importance of the visual effects.

Final Note

25. Intermediate judgements such as medium/high or minor/moderate are also used in the assessments where the judgment falls between two levels. Where such a judgement is reached there is no intended difference to be derived from which judgment comes first - so medium/high is the same as high/medium and moderate/major the same as major /moderate.

Last Updated October 2022

¹¹ Guidelines for Landscape and Visual Impact Assessment, 2013 Page 115 Paragraph 6.42

¹² Guidelines for Landscape and Visual Impact Assessment, 2013 Page 116 Paragraph 6.44



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