

Application by
Countryside Partnerships Ltd and Wattsdown Developments Ltd

In respect of:
LAND EAST OF THE A10, BUNTINGFORD, HERTFORDSHIRE

BUNTINGFORD WEST DEVELOPMENT

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION,
DATE OF INQUIRY: commencing 16 July 2024

LPA Reference:
3/23/1447/OUT

PINS Reference:
APP/J1915/W/24/3340497

Proof of Evidence on

LANDSCAPE AND VISUAL MATTERS

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June 2024

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Jon Etchells and I am a director of Jon Etchells Consulting Limited, which is a registered practice with the Landscape Institute. I have an MA in Geography from the University of Cambridge and a BPhil in Landscape Design from the University of Newcastle upon Tyne. I am a Chartered Member of the Landscape Institute.
- 1.2 I have over 35 years experience of landscape assessment and design. Much of my work has been concerned with the landscape and wider environmental assessment of small and large scale infrastructure projects and a variety of built developments. Recently, I have undertaken landscape, townscape and visual assessments for housing projects in Essex, Cumbria, Kent, London, Surrey and Hertfordshire, as well as assessments for a variety of major infrastructure projects, including new industrial buildings, schools and a new road in Bedfordshire (a Nationally Significant Infrastructure Project under the Planning Act 2008).
- 1.3 I have provided landscape evidence on behalf of North West Leicestershire District Council, South Lakeland District Council, Canterbury City Council, Tonbridge and Malling Borough Council, Medway Council, King's Lynn and West Norfolk Borough Council and other local authorities in respect of numerous appeals for housing and other developments. I have provided landscape evidence on behalf of developers in respect of appeals for a number of residential and other developments, including sites within the High Weald National Landscape, adjacent to the Kent Downs National Landscape and elsewhere in Kent, for a housing development adjacent to the South Downs National Park in West Sussex, and for developments within the Hayes Village Conservation Area in Bromley, in the Green Belt in Buckinghamshire and in Bexleyheath.
- 1.4 I have provided evidence on landscape and visual matters in connection with more than 80 appeals, most of them determined by means of Public Inquiries.
- 1.5 The evidence which I have prepared, as set out in this document and the Appendices to it, is true and has been prepared in accordance with the guidance of my professional institute. I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

2. INTRODUCTION AND SCOPE OF EVIDENCE

2.1 Introduction

- 2.1.1 I have been commissioned by Countryside Partnerships Ltd and Wattsdown Developments Ltd (the Appellants) to advise on the landscape and visual effects likely to arise from the proposal to develop a site to the west of Buntingford and the east of the A10 for up to 350 dwellings, up to 4,400m² of commercial and services floorspace and 500m² of retail floorspace, together with associated drainage, access, open space and landscape proposals, and to present evidence at the Section 78 Appeal against refusal of planning permission. I have been involved with proposals for this site for a number of years, and have produced Landscape and Visual Impact Assessments (LVIAs) to accompany the various applications which have previously been submitted to East Herts District Council (EHDC), as briefly summarised below.
- 2.1.2 The site is undeveloped and lies outside the defined settlement boundary as shown on the District Plan Policies Map - it is therefore in the countryside in planning terms. The site lies to the north and east of the A10, and to the south and west of the existing urban area, with a relatively recent housing development along the northern site boundary (with a petrol filling station and veterinary surgery on the south side of the B1038 Baldock Road further to the north), an industrial estate to the east, and the Buntingford Sewage Treatment Works (STW) to the south east (see Figure 1). The centre of Buntingford is around 700m to the north east of the site, with existing access via the two public footpaths which run across the site and into the urban area. The site is currently in active agricultural use, and comprises three large arable fields, with two larger, rolling fields to the west alongside the A10 and a smaller and flatter field in the south eastern part of the site. The site includes a small triangular area between the STW and the A10 at the southern end of the central field which is in temporary use as a gated hardstanding area for storage of materials and machinery. Two fields on the western side of the A10 are also included within the application boundary, and part of the northern field would be used for the provision of measures designed to secure the required Biodiversity Net Gain (see Section 3), with some limited land take from the southern field for the new roundabout junction.
- 2.1.3 Previous applications for development of the site were made in 2014 (an outline application for up to 400 dwellings and a first school, EHDC reference 3/14/2304/0P, which was subsequently appealed on the basis of non-determination, and the Appeal was withdrawn), 2017 (3/17/1811/OUT, an outline application for up to 400 dwellings and 2ha of employment land, which was refused for three reasons) and 2022 (3/22/1551/FUL, a hybrid application comprising a detailed application for up to 350 dwellings and an outline application for up to 4,400m² of commercial and services floorspace and 500m² of retail floorspace). This last application was also refused for a total of 8 reasons.

2.1.4 Further work was then undertaken in order to address some of those reasons for refusal, and meetings were held with EHDC and also with Hertfordshire County Council. A new outline planning application for the development (3/23/1447/OUT, the subject of this Appeal) was then submitted in July 2023, and was refused in February 2024 for 5 reasons [see CD3.1], of which reasons 1 and 3 are relevant to my evidence, and are reproduced below:

'1. The proposal comprises a substantial urban extension of Buntingford which would encroach into the rural area beyond the Green Belt, beyond the settlement boundary, to the detriment of the landscape character, rural appearance, and distinctiveness of the area contrary to Policies DES2, DES3, DES4, GBR2 of the East Herts District Plan (2018), Policies ES1, HD1, HD2, HD4 and BE2 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.

3. It has not been demonstrated that the application site can accommodate the maximum quantum of development outlined within the submitted parameter plans. The proposal at the maximum level outlined within these plans would create a dense and urban appearance which does not respect the site's rural character or its landscape character and fails to transition between the urban settlement boundary and the countryside beyond. The proposal would fall contrary to policies DES2, DES3, DES4, GBR2 or HOU2 of the East Herts District Plan (2018), policies ES1, HD1, HD2 and HD4 of the Buntingford Community Area Neighbourhood Plan, and guidance in the National Planning Policy Framework.'

2.1.5 An Appeal against that refusal was then lodged by the Appellants, and an Inquiry is to be held in July 2024. At the Case Management Conference on 21 May 2024, the Inspector identified a number of main issues to be considered, which included:

'The effect on the character and appearance of the area with specific reference to density and landscape character.'

2.2 Scope and Format of Evidence

Scope

2.2.1 My evidence will therefore address the landscape and visual aspects of the first and third reasons for refusal, and includes a detailed Landscape and Visual Impact Assessment (LVIA). I prepared the LVIA's submitted with the previous planning applications, and the LVIA set out in my evidence is an updated version of those previous assessments, based on site visits undertaken in May 2024.

- 2.2.2 I will summarise (partly by reference to the application documents) the form and extent of the proposed development and how it would appear within the local area, what the effects of the proposed development would be in terms of the character and appearance of the area of and around the site and local views, and the extent to which the effects identified would lead to conflict with relevant planning policies.
- 2.2.3 While my evidence will focus on the first and third reasons for refusal, I will also address other aspects of the local area which do not feature expressly in that reason, including views from Public Rights of Way, local roads and from residential properties, on the basis that these are related matters which are relevant to my assessment.
- 2.2.4 The first reason for refusal is chiefly to do with effects on the character and appearance of the area, encapsulated within the first part of the Inspector's main issue noted above, and will be addressed by the LVIA contained within my evidence. The third reason for refusal is less straightforward, and appears to be based on the belief that the proposed development (at its maximum quantum) is too dense, and that density would result in additional harm to local landscape character, as set out in the second part of the Inspector's main reason noted above. The third reason also states that the development would not provide an appropriate '*transition between the urban settlement boundary and the countryside beyond*' - I will consider that aspect of the reason in my evidence, both in terms of landscape character and how the transition would be experienced as people move through the local area.
- 2.2.5 The application is in outline, with no detailed proposals for the layout or design of the new dwellings, and the Council's third reason for refusal therefore appears to be based on an assumption that the maximum proposed number of dwellings would '*create a dense and urban appearance*' to the extent that it would appear out of character with the existing settlement. In order to assist with consideration of how the new residential areas would be likely to appear, Mr Williams' evidence considers both the (maximum) density of the proposed development on the site and that already existing in adjoining or similar parts of the settlement, and carries out an assessment of the appropriateness of the proposed density, and of design control mechanisms that can ensure an appropriate form of development. Mr Williams also considers whether the development would have a discordantly or inappropriately dense and urban appearance which would not respect its context.
- 2.2.6 My evidence in respect of the third reason for refusal will then consider the extent to which the appearance of the development (at its maximum density) would respect the 'rural character' and landscape character of the site, how it would affect the transition (in character and visual terms) between the settlement and the open countryside, and whether that would lead to any further harm not already captured by the first reason.

Format

- 2.2.7 My evidence is therefore set out in the following manner: **Section 3** describes the baseline situation in terms of the existing site and the character and quality of the surrounding landscape, and also views to and from the site. **Section 4** summarises the relevant policy background and **Section 5** describes the proposed development. My assessment of the landscape and visual effects likely to result from the development is set out in **Section 6**. In **Section 7** I review my assessment against the first and third reasons for refusal and also make some observations on the EHDC Planning Officer's report and the consultation response provided by the EHDC Landscape Officer, and in **Section 8** I summarise my evidence and draw conclusions.
- 2.2.8 A separate volume of Appendices contains Figures which support my assessment (**Appendix A**), site photographs (**Appendix B**), a summary of the effects I have identified (**Appendix C**), some examples of transition for similar edge of settlement developments (**Appendix D**) and the methodology used in the assessment (**Appendix E**).

2.3 Methodology

- 2.3.1 The methodology followed in my assessment was based on the 'Guidelines for Landscape and Visual Impact Assessment', produced jointly by the Institute of Environmental Management and Assessment and the Landscape Institute ('the GLVIA', 1995, revised 2002 and again in 2013 [CD15.4]), with the full detailed methodology set out in Appendix E.
- 2.3.2 In landscape and visual assessments, a distinction is normally drawn between landscape effects (i.e. effects on the character or quality of the landscape, irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on people's views of the landscape, from visual receptors such as residential properties, Public Rights of Way and other areas with public access). Thus, a development may have extensive landscape effects but few visual effects (if, for example, there are no properties or public viewpoints), or few landscape effects but significant visual effects (if, for example, the landscape is already degraded or the development is not out of character with it, but can clearly be seen from many residential properties). Consideration is given to any changes to the landscape fabric of the site itself, and also to changes to the character of the site and surrounding area.
- 2.3.3 I have undertaken a number of visits to the site and surrounding area in the course of preparing the LVIA's submitted with the previous applications, including in February, March and May 2022

and June 2023, and I have also revisited the site and surrounding area in May 2024 as part of the preparation of my evidence. I have therefore been able to assess views and visibility in both the summer, when deciduous vegetation is in leaf and when views tend to be less open, and also in the late winter, and seasonal variations have been taken into account in the assessment.

- 2.3.4 Viewpoints for the June 2022 assessment were agreed in discussion with the EHDC landscape officer in March 2022 (and the same viewpoints have been used, with some additions, for the LVIA set out below), and my photographs were taken from within the site and from publicly accessible points in the area around it.

3. THE BASELINE SITUATION

3.1 Site Location, Boundaries and Land Use

Site Location and Boundaries

3.1.1 The site is on the south western edge of Buntingford, and the area proposed for development forms a broad strip between 150 and 250m wide between the existing urban edge and the A10 bypass (see the aerial photograph in Figure 2). Two triangular fields to the west of the A10 are also included within the site, and part of the northern field is proposed to be converted to wildflower grassland as part of the proposals for Biodiversity Net Gain, with the proposed roundabout extending partly into the southern field. The boundaries of the part of the site to be developed (i.e. to the north east of the A10) are as follow:

- The short northern boundary is marked by a tall hedgerow of blackthorn, hawthorn and bramble up to 6m in height, broader and denser to the east but narrower and with some gaps to the west, which also includes ash and field maple trees up to around 15m in height (see Photographs 1 and 2 in my Appendix B). Beyond this is an area of housing completed in around 2016 at Longmead, on the far side of which is a further hedgerow and then a veterinary surgery and petrol filling station next to the A10/A507 roundabout (see Photograph 45).
- Taking the eastern boundary to run from the north eastern corner of the site to its southern corner alongside the A10, and including the various changes of direction between those points, it comprises (from north to south):
 - Rear garden boundaries of the adjacent houses on Monks Walk - the boundaries are variable, some have conifer hedges, some have fences and others have no formal boundary, with the northern end of the boundary being generally more open (see Photographs 3 and 29).
 - Further to the south, close to the point where the northern public footpath across the site (Footpath Buntingford 029) runs into the urban edge, the boundary vegetation is taller and more consistent, with a dense hawthorn and blackthorn hedge around 4 to 5m in height (see Photograph 3).
 - To the south of the footpath the adjacent gardens are at a lower level than the site, and slope down to the houses, with the boundary formed by a variable

hedge of blackthorn and hawthorn around 3 to 4m in height and with some gaps (see Photograph 4).

- On the far side of a field boundary hedgerow within the site, the eastern boundary turns to run to the east, and comprises a tall, variable hedge of blackthorn, hawthorn, bramble and dogwood, with occasional ash and field maple trees (see Photographs 5 and 6).
- In the easternmost part of the site the boundary turns again to run to the south, and consists of an overgrown hedge of hawthorn, suckering elm and hazel, with a parallel line of tall pine trees up to 15 to 18m in height just to the east of the hedge line (see Photograph 6). The Arboricultural Assessment report which accompanies the planning application notes that some of those trees are covered by a Tree Preservation Order, but are located outside the site boundary.
- The boundary then turns again to run to the east along the north side of the STW (see Photograph 7) and then again to the south to meet the A10 - this part of the boundary comprises a tall but gappy hedge and an intermittent line of tall ash trees up to 18m in height, with a gap at its southern end close to the A10. The triangular area within the site which is in use as a gated storage yard with hardstanding lies to the west of the southern part of this boundary, and is enclosed along its northern site by a low earth bund between the yard and the field (see Photograph 28).
- The western boundary runs alongside the A10, which curves around the western side of Buntingford (see Photographs 8 to 18). The road is above site levels to the south, generally at grade through the central part of the site and then slightly below site levels (by up to around 2m) in the northern part of the site. Planting along the east side of the road is continuous, but with some areas denser than others, and with some areas of ash trees apparently suffering from die-back with some dead branches and gaps in the foliage. Species include ash, field maple, hawthorn and sycamore up to 7m in height to the south, a greater proportion of willow and sycamore in the central part around the footbridge where heights are up to 10 to 12m, and with some oak and aspen to the north, where the vegetation is generally more sparse. This vegetation is still relatively immature, and will continue to grow into the future, though as it is deciduous it forms a less effective screen in the winter. There is a gap in this vegetation roughly in the centre of the boundary to the central field within the site, which provides access for large agricultural machinery directly from the A10 - this access would cease if development of the site were to proceed, and the gap could be planted up (though a new gap would need to be created at the proposed access point).

Existing Land Use and Vegetation Within the Site

- 3.1.2 The site is in agricultural use, and comprises three large arable fields, two of which were severed in the past by the construction of the A10, leaving smaller residual areas on the far side of the road. For ease of reference, these fields are referred to below as Fields A, B and C, from north to south (see Figure 2).
- 3.1.3 There are also two visually significant hedgerows within the site area - one running north from the north west corner of the STW (dividing Fields B and C) which comprises a double row of hawthorn, field maple and blackthorn up to 8m in height to either side of a shallow ditch (see Photographs 7 and 22), and a similar hedge running west towards the A10 (dividing Fields A and B, see Photograph 20). At the western end of this field boundary, close to the A10, there are two distinctive multi-stemmed sycamores around 16m in height, with striking domed canopies, to either side of the field access through the hedge line (see Photograph 19).
- 3.1.4 The land to the south west of the A10, part of which is proposed for ecological enhancement, is also in arable use, with a narrow grass strip between the wider fields to the north and south of the point where the footbridge crosses the A10 (see Photographs 24 to 27).

Public Rights of Way

- 3.1.5 There are two public rights of way across the site, one running to the north east from Aspenden Church, across a shallow ridge to the north east of Aspenden Hall (where it is Footpath Aspenden 001), crossing the A10 by means of a footbridge and then across the northern part of the site in Field A (as Footpath Buntingford 029) and into the urban area near Monks Walk (see Photographs 3 and 10). The other footpath runs in the same direction but further to the south east, running from Aspenden across the lower end of the same ridge (as Footpath Aspenden 002), across the A10 at grade (see Photographs 9, 21, 23 and 27) and diagonally across the southern part of the site (Field B) into the urban area, as (as Footpath Buntingford 026). The footpaths are signed and marked on the ground, and both appear to be well used, particularly the northern route.
- 3.1.6 The Hertfordshire County Council (HCC) Definitive Map also shows a bridleway (Bridleway Aspenden 011) from Aspenden Bridge to the west, connecting with Footpath Aspenden 002 and running outside the site boundary, which was diverted to that route in 2018 and is not shown on the Ordnance Survey 1:25,000 mapping (see Figures 1 and 3).

3.2 Landscape Context

The Surrounding Area

3.2.1 The area around the site is as follows:

- To the north are the houses along Longmead, the petrol filling station and other buildings around the A10/A507 roundabout, with the northern part of Buntingford beyond, on the far side of the B1038 Baldock Road - there is a recently constructed housing area on the north side of the town, between the A10 and Ermine Street (comprising 'The Maples' Redrow development and a McCarthy and Stone development).
- To the east is the urban area of Buntingford, along Monks Walk to the north and the various cul-de-sacs off Luynes Rise further to the south. To the east of Field C is the northern part of the Watermill Industrial Estate and the River Rib beyond that, and the Buntingford STW further to the south. Beyond the STW and the industrial estate is Aspenden Road, which runs under the A10 to the village of Aspenden. Further to the east there are new areas of housing recently completed or still under construction to the south of Hare Street Road (the 'Meadow Vale' development), to the north of that road (the 'Knights Walk' Taylor Wimpey development), and a larger area on the east side of London Road on the site of the former Sainsbury's distribution centre ('The Village' development).
- To the south and west, on the far side of the A10, are the remnant arable fields referred to above, and beyond those fields are parkland fields running down the slope to Aspenden Hall (see Photographs 39 and 40). Some of the parkland oak trees in these fields appear to have been damaged (and some killed) by horse grazing. Further to the north west is a small area of woodland shown on the Ordnance Survey mapping as The Thicket, which is a locally distinctive feature on high ground.

Topography

3.2.2 The site slopes generally down from north west to south east, towards the valley of the River Rib, and levels within it vary from just above 115m AOD (above Ordnance Datum, or mean sea level) in the western part of Field A close to the A10 to just below 90m AOD in the easternmost part of the site in Field C. Within that general topography, there is a pronounced local ridge within Field A, running into the site from the A10, such that levels fall to both the north east and south east from this ridge.

3.2.3 Within the wider area, the site lies on the western side of a broad valley running to the south through the centre of Buntingford, on the eastern slopes of a broad ridge running to the north west, towards Tire Hill on the A507, where levels reach 126m AOD. The A10 runs downhill from the north west at roughly the same level as the surrounding land, but rises up on a broad embankment to cross the valley of the River Rib to the south east of the site. There is higher ground to the east of the town, running southwards from St Bartholomew's Church (where levels are just over 115m AOD) to Owls Farm at the eastern end of Owles Lane, where levels are around 122m AOD. This broad area of higher ground can be seen from the higher parts of the site, though there are relatively few points within it with public views back to the site (see Section 3.5 below).

Existing Light Sources

3.2.4 The A10 is not lit as it passes the site to the west, but there are lights around the A10/A507 roundabout just to the north west, and also street lighting and lights on and in the houses within the urban area to the east and north of the site. However there are no light sources within the site itself, and the landscape to its west and south (other than for the village of Aspenden) is largely dark and unlit.

3.3 Landscape Character

3.3.1 Natural England has produced profiles for England's National Character Areas ('NCAs'), which divide England into 159 distinct natural areas, defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. The site lies within NCA 86, the 'South Suffolk and North Essex Clayland'. This is a large area, extending from Stevenage in the west to Ipswich in the east, and Bury St Edmunds in the north to Chelmsford in the south [see CD15.3]. Key characteristics of this area are noted as including:

- *'An undulating chalky boulder clay plateau is dissected by numerous river valleys, giving a topography of gentle slopes in the lower, wider valleys and steeper slopes in the narrower upper parts.*
- *Lowland wood pasture and ancient woodlands support the dormouse and a rich diversity of flowering plants on the clay plateau. Large, often ancient hedgerows link woods and copses, forming wooded skylines.*
- *The agricultural landscape is predominantly arable with a wooded appearance. There is some pasture on the valley floors. Field patterns are irregular despite rationalisation, with much ancient countryside surviving. Field margins support corn bunting, cornflower and brown hare.*

- *Winding, narrow and sometimes sunken lanes are bounded by deep ditches, wide verges and strong hedgerows. Transport infrastructure includes the A14, A12, M11 and Stansted Airport.*
- *A strong network of public rights of way provides access to the area's archetypal lowland English countryside.'*

County Landscape Character

3.3.2 Within this wider definition of character, Hertfordshire County Council (HCC) have published a landscape character assessment ('A Landscape Strategy for Hertfordshire', 1997) for the county. This formed Supplementary Planning Guidance (SPG) to the Hertfordshire Structure Plan 1998. HCC have also published a list of changes to the Landscape Strategy, which formed part of a draft new SPG on landscape character, published in 2001.

District Level Landscape Character

3.3.3 The 1997 HCC Landscape Strategy is of necessity quite general, and has now been largely superseded by the more recent and localised assessment of landscape undertaken at a District level and collated for all Hertfordshire Districts on the HCC website. The EHDC landscape character areas are set out in the Supplementary Planning Document (SPD) 'Landscape Character Assessment', 2007 [CD15.2]. This shows the northern part of the site as being within landscape character area 141, the 'Cherry Green Arable Plateau', with the southern part (to the south of the A10 footbridge) within character area 142, the 'High Rib Valley'. This character area is divided by the urban area of Buntingford, with part of it to the north and the part which includes the southern part of the site to the south and west of the town.

3.3.4 Key characteristics of the Cherry Green Arable Plateau are noted as including the following:

- *'open arable plateau with some very large field units*
- *minimal settlement, restricted to individual farmhouses*
- *remote and isolated feel*
- *degraded landscape pattern with few hedgerows and associated trees*
- *open views across plateau and to valley of the Rib'.*

3.3.5 The assessment also notes the visibility of the Sainsbury's distribution centre buildings (now demolished, with residential development on that site), which were visible to the south east, though they were outside this character area. Under the heading of 'Visual Impact' the assessment notes:

'The major visual impact on the area comes from the perimeter of Buntingford with significant impact arising from both industrial and residential developments on the upper slopes of the Rib Valley.'

3.3.6 The assessment notes that the strength of character of the landscape is moderate, but the condition is poor, and that the overall landscape strategy should be to improve and restore that condition and character. Relevant landscape strategy and guidelines include the following:

- *'promote the creation of new small to medium scale native broadleaved woods throughout the area to reduce the scale of the open arable areas, using ancient hedge and field boundaries to locate the most appropriate location for wood restoration and expansion*
- *promote both the creation of new ponds and the retention enhancement for wildlife of existing ponds*
- *promote the creation of buffer zones between intensive arable production as important semi-natural habitats and the creation of links between semi-natural habitats. Buffers also to target rights of way where possible*
- *promote selected hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas. Pattern to follow historic field boundaries and/or rights of way where possible*
- *promote a strategy for reducing the visual impact of development on the upper slopes of Buntingford including the Sainsbury's warehouses'.*

3.3.7 Key characteristics for the High Rib Valley include:

- *'relatively narrow valley feature*
- *small to medium scale landscape in contrast to open arable areas to the adjacent plateaux*
- *willow and poplar tree lined watercourse*
- *urban influence of Buntingford locally intrusive*
- *A10 corridor and associated traffic'.*

3.3.8 The assessment notes that the condition and strength of character of the landscape for the High Rib Valley are moderate, and that the overall landscape strategy should be to improve and conserve that condition and character. Relevant landscape strategy and guidelines include the following:

- *'promote the creation of buffer zones between intensive arable production and important semi-natural habitats and the creation of links between semi-natural habitats*
- *maintain and develop the traditional pattern of roadside verges as a local feature and a wildlife resource. Where development is likely to affect verges and damage is unavoidable, development should include details of protection of the remaining verge and replacement of its nature conservation value within the proposed scheme. This is particularly important where verges include hedgebanks, sunken lanes, ditches, hedges and hedgerow trees*

- *promote a strategy for reducing the visual impact of development on the upper slopes of Buntingford including the Sainsbury's warehouses'.*
- *develop a strategy for the planting and management of the A10 corridor through the area that respects the historic setting but minimizes the visual context in keeping with local character*
- *encourage the development of an improved network of rights of way both along and across the valley giving enhanced recreational opportunities for residents'.*

Local Landscape Character

3.3.9 The site itself displays some of the characteristics noted in the above character area assessments, but is much more strongly influenced by the A10 and the urban edge of Buntingford (which together enclose it) than the assessment for the wider Cherry Green Arable Plateau indicates, and is not strongly influenced by the River Rib, which flows at its closest around 100m to the east. The site is separated from the open countryside to the south and west by the A10 and, while it is in agricultural use and has an overall rural character, some parts of it have a more strongly edge of settlement character, in particular the north eastern corner of Field A and the enclosed Field C in the eastern part of the site.

3.4 Landscape Designations, Quality, Value and Sensitivity

Landscape Designations

3.4.1 The site is not covered by any national or local designations for landscape quality, and does not lie within the Green Belt.

Landscape Quality, Value and Sensitivity

3.4.2 Using the definitions set out in Appendix E, I have assessed the site as of overall **low to medium landscape quality**. This is because it contains some pleasant and attractive features and aspects (chiefly the rolling arable fields and the field boundary hedgerows), but is also affected by a number of visual detractors, including the adjacent A10, the existing urban edge (which is somewhat raw and open in places), the employment uses at the southern end of the site and the nearby STW. As the site comprises a relatively narrow band of land wrapping around the urban edge and with the A10 running around it to the west and the STW to the south, the detracting influence of these features does permeate the site. Landscape condition is not the same as landscape quality, but it does have some similarities, and it can be noted that the EHDC Landscape Character Assessment considered the condition of the Cherry Green Arable Plateau to be poor, and that of the High Rib Valley to be moderate. The assessment

also stated for the Cherry Green Arable Plateau that *'the perimeter of Buntingford'* (noting that the urban edge adjoining the site forms part of the boundary to this character area) has a *'major visual impact'*. The area to the south and west of the A10 is more pastoral and undulating, and has a somewhat higher quality, so taking that into account I have assessed the quality of the landscape of and around the site (taking that as the area within the visual envelope shown on Figure 3) as **medium**.

- 3.4.3 As noted in Appendix E, the concept of landscape value is also important, and is included in assessments in order to avoid consideration only of how scenically attractive an area may be, and thus to avoid undervaluing areas of strong character but little scenic beauty. The GLVIA contains a checklist (in its Box 5.1, on page 84) of *'factors that can help in the identification of valued landscapes'*, and these are landscape quality, scenic quality, rarity, representativeness (i.e. whether the landscape contains features which are particularly important examples), conservation interests, recreation value, perceptual aspects and cultural or literary associations. The Landscape Institute have also published guidance on the assessment of landscape value (*'Assessing landscape value outside national designations'*, TGN 02/21, May 2021 [CD15.1]) which effectively endorses the Box 5.1 approach for undesignated landscapes, and adds some further clarity to it in terms of separating *'conservation interests'* into nature conservation and cultural heritage, and combining rarity and representativeness into a new factor of *'distinctiveness'*.
- 3.4.4 Considering the factors set out in Box 5.1 (and using the factor of *'distinctiveness'* as set out in the more recent TGN 02/21), there is some additional value in terms of the two public footpaths which run across the site and connect with the wider countryside to the west of the A10. However, footpaths leading to the countryside on the edge of settlements are not unusual, and this does not significantly elevate the landscape value of the local area, which is at broadly the same level as its quality, and is therefore **low to medium** for the site itself and **medium** for the site and surrounding area taken together.
- 3.4.5 As set out in Appendix E, landscape sensitivity is judged according to the type of development proposed, and relates to the ability of the landscape to accommodate change of the type and scale proposed without adverse effects on its character (i.e. its susceptibility to change), and also to its value. The susceptibility to change of the landscape of and around the site has been judged to be **medium**, because it has a moderate capacity to accommodate change as it adjoins the urban edge and is enclosed by the line of the A10, but the presence of a new and relatively large scale residential development would conflict with the existing character of the landscape to some extent, and new dwellings on the more elevated ground in the northern part of the site would be locally prominent, and would be visible from some areas of the higher ground to the east of the town (albeit at some distance, and in views which already include, or are across, much of the urban area).

3.4.6 Taking into account that medium susceptibility together with the medium landscape value noted above, the sensitivity of the site and surrounding area to the proposed development has been assessed as **medium**. As set out in Table 5 of Appendix E, this is because there would be some loss of landscape features (chiefly the open fields which make up the site, though some new landscape features would be provided), and the development would represent a significant change to what is at the moment a largely open, agricultural landscape, but in the context of the adjacent urban edge the new development, while visible, would not be especially discordant.

3.5 Visibility

3.5.1 Visibility of the site in its current form is limited by existing urban edge to the east and north (though that does afford views across the site for houses along the urban edge) and by the vegetation alongside the A10 and the rising ground beyond that to the west and south. Visibility also varies across the site, with greater visibility of the higher ground in Field A and significantly less general visibility of the Field C in the eastern corner of the site. The main points from which the various parts of the site can presently be seen are:

- a) From the north there are limited and filtered short distance views across the northern part of Field A from the houses on the south side of Longmead, and those houses effectively screen any views from further to the north (see Photograph 1).
- b) From the east there are short distance views from some of the houses along the urban edge, and the nature of these views varies: in the north eastern corner of Field A there are open views from both floors of the adjacent houses (see Photographs 3 and 29), but as the land within the site rises and the boundary vegetation becomes taller and denser as noted above the views become more restricted, and there are partially screened views from first floor windows only (see Photographs 3 and 4). In Fields B and C there are tall hedgerows with some trees along much of the site boundary, and there are limited views from the adjoining properties in summer, though some filtered views would be possible in the winter and the houses along the north side of Field C have clearer views (see Photographs 5 and 21). From further afield there are some limited and filtered views above or through the boundary vegetation from upper floor windows of properties to the south east, to the west of London Road (see Photograph 6).
- c) There are also some more distant views from the higher ground to the north east and east, on the far side of the valley of the River Rib and beyond the urban area of Buntingford - parts of the far valley side can be seen from within the site, particularly on the higher areas of Field A, close to the A10, indicating that the site will also be visible from those parts of the far valley side (see Photographs 3, 4 and 30). However, there

are relatively few public viewpoints from which the site can be seen - there are no views from the churchyard of St Bartholomew's Church or the minor road to the north west of the church due to intervening vegetation. The higher, northern part of the site was at one time visible in some views from parts of the public footpath just to the south of the B1038 Hare Street Road (see Photograph 32), but the ongoing housing development to the south of Hare Street Road (the Wheatley Homes Meadow Vale development) has now largely obscured those views (though there are some glimpse views - see Photograph 32A - and there are also likely to be some partial views from some of the new houses). Parts of the site can also be seen between or above intervening vegetation from the minor road and bridleway just to the west of Owls Farm (see Photographs 33 to 35), together with other current or recent housing developments.

- d) From the south east there are some limited views from a small area around the junction of the minor road leading to Westmill with the A10 (see Photographs 31 and 36).
- e) From the south and south west there are filtered views from the A10 as it passes the site - views ahead along the road are generally well screened even in the winter (see Photographs 11 to 15, 42 and 43), but the roadside vegetation is sparse in places and the site can occasionally be seen between and (in winter) through the vegetation in some views out to the side of the road, though these views would be fleeting only as vehicles pass by the site - there are no footways alongside the A10 at this point (see Photographs 14, 18 and 23). There are also some more limited and filtered views from parts of the land to the south and west of the A10 (and also from the two public footpaths as they approach the site), though these are largely screened in the summer by the vegetation along both sides of the road (forming a double line of screening - see Photograph 41) and also by the ridge line which curves around parallel to the A10 just to the south and west (see Photographs 39 and 40).
- f) From the west there are the generally limited and filtered views from the A10 and adjacent areas referred to above, but there are no other publicly accessible viewpoints. The A507 is winding and generally enclosed as it runs across Tire Hill to the north west of the site, and screening is also provided by the woodland clump of The Thicket and by the tall hedgerow running to its east. There are no significant views from the lower ground around Aspenden Hall, or from any areas further to the west.
- g) From within the site there are clear views into and across it from the two footpaths which run across the site, including elevated (though localised and filtered by the adjoining trees) views from the footbridge where the northern footpath crosses the A10 (see Photograph 37).

4. RELEVANT POLICY BACKGROUND

4.1 General

4.1.1 Ms Albans' evidence sets out a review of relevant planning policy, but in this section I will summarise those aspects of it which are of particular relevance to my evidence.

4.2 National Planning Policy

4.2.1 The Government's national planning policy and guidance on various aspects of planning are set out in the National Planning Policy Framework (NPPF, December 2023 [CD5.1]). The NPPF states that '*the purpose of the planning system is to contribute to the achievement of sustainable development*', and that in order to do so, the planning system must perform mutually dependent economic, social and environmental roles.

4.2.2 Paragraph 135 of the NPPF states (in part) that:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'*

4.2.3 Paragraph 180 of the NPPF states (in part) that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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);*

- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*’.

4.2.4 The wording ‘*in a manner commensurate with their statutory status or identified quality in the development plan*’ in Paragraph 180a) shows that firstly landscapes which have an identified quality in the development plan should usually be regarded as valued, and secondly that the protection to be afforded to valued landscapes will vary with their status, with statutorily protected landscapes (National Landscapes and National Parks) receiving the highest level of protection, and landscapes recognised and protected by development plan policies protected at a lower level, but still above that of ordinary countryside. As the site is not designated for landscape quality at any level, it should not be regarded as a valued landscape in these terms.

4.2.5 I would also note that the wording of ‘*recognising the intrinsic character and beauty*’ of the countryside in Paragraph 180b) implies that the recognition involves some protective or safeguarding response.

4.2.6 The supporting Planning Practice Guidance to the NPPF (Paragraph 036 Reference ID: 8-036-20190721 [CD5.2]) states that:

‘The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.’

4.3 Local Planning Policy

4.3.1 The East Herts District Plan (2018 [CD4.1]) includes the following relevant policies:

- Policy GBR2 Rural Area Beyond the Green Belt. The site is outside the settlement boundary and falls within the area of this policy, which states that only certain categories of development will be permitted, including buildings for agriculture or forestry, sport or recreation, or appropriate employment uses.
- Policy DES1 Masterplanning, which states that all significant developments will be required to prepare a masterplan.
- Policy DES2 Landscape Character, which states that development proposals must ‘*demonstrate how they conserve, enhance or strengthen the character and distinctive*

features of the district's landscape'. The policy also states that, for major applications or where there is a potential adverse impact on landscape character, a Landscape and Visual Impact Assessment should be provided. The policy goes on to state that: *'Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping'*, and refers to EHDC's Landscape Character Assessment Supplementary Planning Document (SPD).

- Policy DES3 Landscaping states that proposals must show how they will retain, protect and enhance existing landscape features which are of amenity and/ or biodiversity value or provide appropriate compensatory features. The policy also states that: *'Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site'*.
- Policy DES4 Design of Development, which seeks high quality design to reflect and promote local distinctiveness.
- Policy NE3 Species and Habitats, which includes requirements to enhance biodiversity, retain trees, hedgerows and woodland and provide mitigation and compensation where adverse impacts are unavoidable. The policy also states that a minimum buffer zone of 10m of complementary habitat should be provided adjoining existing trees, hedgerows and Ancient Woodland.

4.3.2 Chapter 6 of the District Plan covers Buntingford, and notes ongoing or committed housing development on sites to the north, east and south east of the town, and that no further allocations are proposed. Paragraph 6.1.17 also states that *'the open character of the countryside between Aspenden and Buntingford will be preserved, thereby avoiding coalescence between the two communities'*.

Buntingford Community Area Neighbourhood Plan

4.3.3 The Buntingford Community Area Neighbourhood Plan (BCANP [CD4.3]) covers the parishes of Aspenden, Buckland, Buntingford, Cottered, Hormead and Wyddial, and was adopted in 2017. It seeks in general to protect and conserve the countryside and landscape within the community area. It contains Policy ES1, which states that *'Development proposals should be appropriate to and maintain the Rib Valley setting of the BCA.'* The explanatory text goes on to state that:

'Development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape of this area and parts of the Cherry Green Arable and Wyddial Plateaux.'

'The landscape value of this area is clearly stated in the East Herts District Landscape Character Assessment SPD of 2007 and in East Herts Draft District Plan January 2014 supporting documents. In discussing the strategy for managing change, the Landscape Assessment suggests that EHDC should "promote a strategy for reducing the visual impact of development on the upper slopes of Buntingford including the Sainsbury's warehouses".'

4.3.4 It also contains Policy HD2, which states that:

'All new housing developments should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape. Where appropriate, a Landscape and Visual Impact Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed.'

4.3.5 Policy HD4 states that:

'New housing design should respect the rural/semi-rural character of the Buntingford Community Area and its immediate context having appropriate regard to the standards set out in Appendix 4 - Design Code.'

4.3.6 The BCANP contains an assessment of what is described on its page 40 as *'the possible impact of development on the valley setting of the BCA'* in its Appendix 1. This places great emphasis on the limited visibility of the town from the surrounding landscape, and argues that further development (including development of the proposed site, which is specifically referred to in the context of previous development proposals by Bovis Homes) should be limited. On its page 71 the BCANP states that:

'The views from sites D and E in particular show the area between Buntingford and the A10 bypass that is being proposed by Bovis for further housing. It is quite clear from these views that such housing, which would be on land that rises to above 115 metres above sea level, would impinge significantly on the landscape to the detriment of the local area's natural beauty. Such development would be on land rising several metres higher in places than that on which the highest level of development at Longmead, which is clearly shown in the view from point C.'

4.3.7 However, the following should also be borne in mind:

- a) The photographs from viewpoints A to I reproduced in the assessment were taken in June or December 2015, and therefore predate most of the housing development which has recently taken place or is currently under way around the town, some of which can now be seen from those viewpoints.

- b) It is not explained in the assessment exactly why it is a desirable or positive feature that the town has limited visibility from the surrounding landscape, as opposed to (say) a town in an elevated position which can be widely appreciated. It is part of the established character of the town that it has limited visibility from the surrounding area (though that characteristic has already changed to some degree as a result of recent residential developments) and new development on higher ground would lead to some change in that respect, but visibility of a settlement from the surrounding area is not necessarily inherently harmful.
- c) Of the 9 viewpoints spaced out around Buntingford in all directions, the site is only present in two of them - viewpoints D and E, between 1.9 and 2km to the east and south east, with the A10 and/ or parts of the urban area between the viewpoint and the site. That indicates that the site in fact has quite limited visibility from the higher ground around the town. It should also be noted that these are not viewpoints with any specific value or significance - they are not from prominent points or local beauty spots, they are just where the photographs were taken from.
- d) For viewpoint D, the BCANP states that *'This view also shows that building on the land currently being proposed for development by Bovis would show very significantly on the landscape as seen from the Wyddial Plateau.'* This view is similar to that shown in Photograph 33 in my Appendix B, from which it can be seen that development within Field A of the site would be visible from this point, but that it would be at a distance of around 1.9km, would be seen as a small part only of a wide, expansive view, and also that (as shown in Photograph 34) new houses in The Village development are already clearly visible from that point (and are closer to it than the site) and commercial buildings in the northern part of the town would also be present in the view.
- e) For viewpoint E, the BCANP states that *'This view also shows the impact that the proposed Bovis development will have if allowed to go forward.'* This view is the same as that shown in Photograph 36 in my Appendix B, from which it can be seen that development within Field A of the site would be visible from this point, but that it would be at a distance of around 2km, and is a localised view only - the viewpoint is not representative of wider landscape effects in this area, and the site can only be seen from short stretches of the A10 and the eastern end of the side road leading to Westmill.
- f) The BCANP refers to the 2007 EHDC Landscape Character Assessment, but that assessment refers, for both of the character areas which include parts of the site, to the *'major visual impact on the area (which) comes from the perimeter of Buntingford with significant impact arising from both industrial and residential developments on the upper*

slopes of the Rib valley (for the Cherry Green Arable Plateau), and also to the *'extensive visual impact (which) comes from the adjacent residential developments, which in some cases lie adjacent and unscreened'* (for the High Rib Valley). The EDHC assessment notes in particular the influence of the Sainsbury's distribution centre in this respect, which has now been removed, but that site has been redeveloped for housing ('The Village' development), and that development still has some significant visibility within the local landscape. It can therefore be seen from the above that the EHDC assessment, in contrast to the BCANP, stresses the fact that existing development can be seen from the surrounding landscape, and has an adverse effect upon it.

- g) The assessment states that development on the proposed site would be *'on land that rises to above 115m above sea level'*. That is correct, but it should be noted that the recent and ongoing development on the sites to the north and south east of the town includes areas above 110m AOD, that the proposed site varies in elevation and includes significant areas below 110m AOD and also some areas below 100m AOD, and that in the views from the south east which the BCANP illustrates, development on the site would not be on the skyline - there would be higher ground and/ or tall trees behind it in all views of development on the site.
- h) It is now around 9 years since the photographs used in the BCANP were taken, and in that time there has been further growth of the vegetation alongside the A10, which now forms a generally dense, tall and effective screen in the summer, and a significant screen in the winter. The site is therefore enclosed to a greater degree to the west than it was in 2015.
- i) As the BCANP stresses, the settlement does sit within the lower lying land of the Rib Valley, and that is part of its existing character. However that also means that any new development on the periphery of the town will tend to be on higher land, as has been the case with some of the recent and ongoing development to the east, south east and north of the town.

4.3.8 In summary, my view is that BCANP exaggerates the visibility of the site and the effects which the proposed development would have on local views and on landscape character in general, and is also now somewhat out of date, as the photographs and judgements set out in the BCANP predate much of the new development which has now taken place around the town, and can be seen in some views together with the site.

Strategic Land Availability Assessment

4.3.9 As part of the evidence base for the (then) emerging District Plan, EHDC produced a Strategic Land Availability Assessment (SLAA) in 2017 [CD5.5]. This considered a number of sites around Buntingford, including the proposed site, referred to as Site 02/005, Land West of Buntingford. The SLAA noted that:

'The site is well related to the existing settlement and any incursion into the countryside would be limited by the presence of the A10 which would form the western boundary of the site.'

4.3.10 Despite this, the SLAA considered the site not to be suitable for development, on the basis of effects on infrastructure and the ability to provide new services and facilities. It is worthy of note that the SLAA consideration of Site 02/001 (Land South of Owles Lane, to the east of The Village development) noted that this would be *'a serious incursion into the countryside and would significantly harm the rural setting of Buntingford and the surrounding area'*. No such view is expressed in the SLAA about the Appeal site.

5. THE PROPOSED DEVELOPMENT

5.1 General

- 5.1.1 The proposals are illustrated on the drawings and described within the Design and Access Statement (DAS) submitted with the application [CD1.9], and I will not repeat that description here. However, I would note that the planning application is in outline (with all matters other than access reserved), and the description of development is for up to 350 new dwellings, up to 4,400m² of commercial and services floorspace (Class E and B8 uses), up to 500m² of retail floorspace, and associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping.
- 5.1.2 The application included Parameters Plans for Open Space, Density & Building Heights, Land Use, and Green Infrastructure [CDs1.12 AND 1.14-16], and my assessment has been based on the information set out on those drawings, together with the Development Framework Plan [CD2.2], which shows how the proposed development could be accommodated on the site in terms of the broad location of developed areas, and also the principal existing and proposed landscape features. The Green Infrastructure Parameters Plan [CD1.14] provides further information on the broad disposition of the landscape proposals, and the DAS also provides additional information on the evolution of and background to the proposals.

5.2 The Proposals

- 5.2.1 The main aspects of the proposed development which have a bearing on my assessment are as follow:
- a) Vehicular access to the site would be by means of a roundabout junction on the A10, at the southern end of the site, with an emergency vehicle, bus and pedestrian/ cycle access via a connection to Luynes Rise to the east. Internal site roads would diverge from the initial access to the east into Field C and to the west and north through Fields B and A. The small hardstanding store/ yard in the southern part of Field B has planning permission for that use and would be removed as part of the proposals.
 - b) The new dwellings would be primarily within Fields A and B, with some also in the northern part of Field C. The employment buildings would be in the southern part of Field C, with the local centre in the north eastern part of Field B.

- c) As shown on the Density & Building Heights Parameter Plan [CD1.15], the majority of the new dwellings would be up to 10.5m in height, allowing principally for 2 storey dwellings, with potentially some areas of bungalows. There would also be some areas within Fields B and C where the dwellings would be up to 13.5m in height, allowing for 2½ or 3 storey dwellings, which could help to mark entrances and corners and help create a sense of place. The local centre would be up to 13.5m in height, and the employment buildings would be up to 15m in height (and located within the lower parts of the site).
- d) Density is an issue which has been specifically raised by EHDC in their reasons for refusal - the proposed densities vary across the site, with densities of around 30 dwellings per hectare (dph) in the northern part of the site, and up to 40dph in the area around the local centre. However, as Mr Williams' evidence shows, the number of dwellings per hectare is only one way to consider how dense or urban an area may appear, and the gross density of the proposed development (given the significant provision of open space) is in fact quite low.
- e) The A10 is a busy road, and in order to provide the required noise attenuation it is likely that some form of noise attenuation feature would be required - the Development Framework Plan [CD2.2] indicates where such a feature (probably a planted bund with an acoustic fence on top of it) could be located, close to the road along the western side of the site. The bund could be designed in detail as a positive landscape feature, with variation along its length in terms of both its maximum height and plan form, so that it appears as a more natural, varied feature rather than an engineered landform. Planting along the bund would largely screen the timber acoustic fence and a new footpath (as indicated on the drawing) could provide access along its eastern slopes, and be part of a broad linear green space along the western side of the site. New planting along the line of the bund would also help to extend and reinforce the existing tree screen alongside the A10 (and replace the sections of lost vegetation - see below), providing enhanced screening both of the road from within the site (the bund and acoustic fence would provide immediate lower level screening and the planting would provide further screening in the medium to long term) and also of the development from the road and from the wider landscape to the west and south west. New planting within the site could help to fill in the existing sparse sections of tree planting alongside the road which appear to have been affected by ash die-back.
- f) Retention of existing vegetation - the proposals allow for the retention of visually significant vegetation, including the hedges within the site (with the exception of a small section of the hedges between Fields A and B and also B and C, which would

need to be removed to create the new road accesses), and also all of the perimeter vegetation which lies within the site. The trees alongside the A10 are outside the site boundary, and would not be affected by the proposed development, other than for some small trees and hedgerow vegetation on the north side of the road, and some slightly taller trees on the south side which would be affected by the proposed roundabout, and also to either side of the roundabout where some vegetation would need to be removed to provide space for localised road widening/ realignment as it approaches the new roundabout. The Development Framework Plan [CD2.2] has allowed for the retention of existing vegetation wherever possible, and also respects the Root Protection Areas (RPAs) of retained vegetation, to ensure its future viability.

- g) The existing public footpaths across the site would be retained on their current alignments, with the northern route running through a new area of green infrastructure. The southern footpath would run partly through new open space areas and partly through the area of new housing, and would also pass close to the local centre.
- h) Provision of a range of new landscape and open space areas as indicated on the drawings in Appendix C, including those at the points where the two footpaths run into the site from the urban area, to create welcoming gateway features, and also some larger equipped play areas, and an area of allotments in the north eastern corner of the site.
- i) Sustainable drainage (SuDS) features in the south eastern part of the site are shown indicatively on the Development Framework Plan, and could be incorporated into areas of natural open space, with attenuation basins designed to be either permanent water bodies or grassed depressions which would only hold water after heavy rainfall.
- j) In order to achieve the required level of Biodiversity Net Gain, an area of the northern field on the west side of the A10 would be sown and managed as wildflower grassland, with the remainder of that field and also the southern field (to the south of the footbridge) remaining in agricultural use.

Design Review Panel

- 5.2.2 As part of the development of the 2022 proposals for the site, a design review was undertaken together with the Design Review Panel (described on their website as a national organisation providing '*impartial expert advice to applicants and local authorities on design issues in relation to important new development schemes and proposals for*

important public spaces, including both significant minor applications, major planning applications and pre-application development proposals') in April 2022. Extracts from the Design Review Panel (DRP) report [CD18.1] of relevance to this assessment are set out below (noting that the current proposals are in outline, but the comments could be taken into account in the eventual detailed proposals):

- *'Subject to the comments within this document, it is considered the site is appropriate for a development of the type proposed. The site boundary is currently felt to be defined by a ragged arrangement of back gardens and has an ill formed relationship with the boundary, the stated aspirations for this development have the opportunity to create an appropriate urban edge to Buntingford, which it is felt is currently missing.*
- *It is considered the development offers an opportunity to provide an appropriate settlement edge to Buntingford.*
- *The site has a range of constraints, of particular note is the noise from the road (A10) as well as the potential odour nuisance from the sewage works, and it is considered to be imperative that the design team demonstrate an understanding of the impact of these aspects.*
- *Retained hedgerows and trees should also be carefully considered to ensure that the masterplan acknowledges from an early stage required widths around existing planting are established and maintained throughout the design process.*
- *The retention of the two well used footpaths is welcomed and as the design proposals now evolve further it would be beneficial to explore how these will be integrated within the scheme.*
- *It is considered it would be beneficial for an LVIA to now be carried out. The site is undulating with a very distinctive topography. It is noted the current proposals are very two dimensional and it would be beneficial to now consider the implications in three dimensions. It would be helpful to begin to consider the site from the near distance and far distance.'*

5.2.3 With regard to the above comments, it can be noted for the purposes of this assessment that:

- a) The DRP found that the site was in principle appropriate for the proposed development and had the potential to create a more appropriate urban edge at this point than that which exists at the moment. That improved and more robust urban edge could be formed by the noise bund, acoustic fence and planting as indicated on the Development Framework Plan, in conjunction with the existing trees along both sides of the A10.
- b) The outline proposals have responded to the constraint of road traffic noise by means of the proposed bund and acoustic fencing, which could be integrated into the broad green space proposed for the western side of the site. Separation for the

STW to the south east could be provided by areas of open space and the location of the new employment buildings.

- c) The proposals have allowed for the retention of almost all of the visually significant vegetation around and within the site, and the RPAs of that vegetation would be respected.
- d) The two footpaths through the site would be retained on their existing routes and run either wholly (for the northern route) or partly (for the southern footpath) through areas of open space.
- e) An LVIA has now been undertaken and is reported in this document. As noted below, the emerging findings of the LVIA (both for the 2022 proposals and the current proposals) have been progressively fed back into the developing design in an iterative manner, with the intention of minimising the landscape and visual effects of the final design. The comments of the DRP in relation to topography have been noted, and the highest part of the site (in the western part of Field A) would be occupied by either the south western part of the proposed open space or (where proposed for built development) by buildings of no more than 10.5m in height.
- f) The comments by the DRP in relation to longer distance views from the higher ground to the east and south east of the site have been carefully considered, and (as set out in Section 6 below) the assessment of this LVIA is that there would be no significant effects on those views, because they would for the most part be from limited areas only, above the existing urban area, and the new development would not fundamentally change the existing views. Furthermore, the highest part of the site (above the 115m contour) would be the most visible part of it in views from the south east, and planting within the proposed open space areas, as well as the existing and proposed trees alongside the A10, would help to ensure that (where visible) the new houses in that part of the site are seen within a largely green context and do not appear on the skyline.

5.3 Previously Refused Proposals

2017 Proposals

- 5.3.1 As I have noted above, previous proposals for development on the site were withdrawn in 2017 (EHDC reference 3/14/2304/OP), and revised proposals (EHDC reference 3/17/1811/OUT) were refused in 2017 for three reasons, the first of which stated that:

'The proposal would encroach into the rural area beyond the settlement boundary to the detriment of the character, appearance and distinctiveness of the area contrary to Policy ENV1 and GBC14 of the

East Herts Local Plan Second Review April 2007, Policy DES1 of the emerging East Herts District Plan (November 2016), Policy ES1 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.'

5.3.2 It is therefore relevant to note the differences between the previous proposals (EHDC reference 3/17/1811/OUT) and the application which is the subject of the current Appeal, which are summarised below:

- a) The previous proposals were for a larger scale of development and a proportionately smaller amount of open space, with up to 400 new dwellings and a larger area of employment uses.
- b) The design for the development is now substantially different (the proposals are in outline, but their general arrangement is controlled by means of a number of Parameters Plans), and has evolved over time to take on board the recommendations of the DRP and also the findings of the previous LVIA's. Significant areas of open space are now proposed, both along the entire western side of the site (where a broad swathe of open space including the existing trees alongside the A10, new planting, the acoustic fence and mound and areas of wildflower grassland would form a new green edge to the town), as a linear park along the route of the northern footpath through the site and at strategic locations elsewhere within the site.
- c) The context around the site has also now changed, with significant residential developments either completed or under way on the rising ground to the east, south east and north of the urban area as it was in 2017.
- d) The trees along both sides of the A10 are still relatively young, and have grown in the intervening period (i.e. since 2017) to form a generally improved screen and separating element (despite some areas of ash die-back) from the wider countryside to the west and south west.

2022 Proposals

5.3.3 As I have also noted above, a detailed application for a development broadly similar to that currently proposed (3/22/1551/FUL) was refused by EHDC in November 2022. The 2022 proposals differed from the Appeal proposals in that the application was in detail and access was to be by means of a signalised 'T' junction on the A10, as opposed to the currently proposed roundabout.

5.4 Green Infrastructure and Landscape Proposals

Green Infrastructure

5.4.1 The broad provision of green infrastructure and the landscape strategy for the site (as illustrated on the Development Framework Plan [CD2.2] and Green Infrastructure Parameters Plan [CD1.14]) have been developed in tandem with the emerging findings of the previous LVIA's, and also (as noted above) in response to the comments made by the DRP. The main areas where landscape considerations have helped to shape the proposals include the following:

- a) The importance attached to the retention, reinforcement (and, for the relatively short sections where some vegetation would need to be removed) replacement of the existing tree line alongside the A10, to contain and screen the development and also to provide a more robust and appropriate long term urban edge for Buntingford, as suggested by the DRP.
- b) The illustrative treatment of the proposed noise bund and fencing alongside the A10 such that it could form part of an attractive linear open space along the western side of the site, with a varied form to the bund, new tree and shrub planting and areas of wildflower grassland with a new path following a sinuous alignment through the open space - the intention would be to avoid the impression of a long engineered structure next to the road, and that would be brought out in the detailed design.
- c) Retention of the existing hedges and trees within the site, for their value as landscape and biodiversity features and also their ability to provide some existing scale and structure for the new development. The proposals would allow for the buffer zones to hedgerows and trees set out in Local Plan Policy NE3 (see Section 4 above).
- d) Retention of the two public footpaths through the site along their existing alignments, with no diversions proposed. The footpaths would also run for the most part through or alongside new linear open spaces.
- e) Creation of open spaces at the points where the footpaths run into the site from the urban area, with the potential to create attractive and welcoming spaces and also to retain some of the existing sense of having left the urban area and moved into a different environment at those points.

- f) Responding to the varied topography of the site, by locating the taller proposed dwellings and also the local centre and employment buildings within the lower-lying, south eastern part of the site, and by limiting the heights of buildings in the western (and higher) part of Field A, together with tree planting within the linear park which runs just to the south east of that high point, so that the trees can provide some longer term screening and structure at that point as they mature.

Landscape Proposals

5.4.2 There are no detailed landscape proposals at this stage, and that level of detail would be provided as part of a condition if the Appeal were to be allowed, but the broad proposed arrangement of green infrastructure and open space areas is shown on the Development Framework Plan [CD2.2] and Green Infrastructure Parameters Plan [CD1.14], and it is presently envisaged that the landscape proposals would include the following:

- Use of locally appropriate native species in public areas and around the site boundaries. More ornamental species offering greater year round colour and interest would be used within the overall native species framework, closer to and within the gardens of the new houses.
- Provision for local nature conservation benefit wherever possible - this would include new planting of hedgerows, small copses and areas of woodland and trees, creation of wildflower meadows and new wetlands to incorporate drainage features such as swales and attenuation ponds, as part of the overall provision of the required level of Biodiversity Net Gain.
- Arrangements would be made to guarantee the ongoing maintenance and management of all landscaped areas, with any plant failures replaced for a period of five years, and a detailed long term Landscape and Ecology Management Plan could be secured either by way of a planning condition or a legal agreement.

6. LANDSCAPE AND VISUAL EFFECTS

6.1 General

6.1.1 This section sets out the landscape and visual effects which I believe would result from the proposed development, both initially and in the future once the proposed planting has begun to take effect.

6.2 Visibility

6.2.1 I have described the current visibility of the site in Section 3.5 above. The new houses and other buildings on the site would be likely to increase that degree of visibility, but the areas from which the development would be visible would not alter significantly (relative to the existing site) as a result of the proposals. The visibility of the proposed development would be as follows:

- a) From the north there would be some limited and filtered but short distance views of the new houses in the northern part of Field A from the houses on the south side of Longmead, but no significant views from any further to the north as those houses effectively screen any more distant views.
- b) From the east there would be short distance views of the new houses from some of the existing houses along the urban edge, and the nature of these views varies: in the north eastern corner of Field A there would be open views from both floors of the adjacent houses (though allotments are proposed within the site at that point), but as the land within the site rises and the boundary vegetation becomes taller and denser to the south the views become more restricted, and there would be partially screened views of the upper parts of the new houses from first floor windows only of the existing houses, mainly in the winter. In Fields B and C there are tall hedgerows with some trees along much of the site boundary, and there would be limited views in summer, though some filtered views of the new houses and other buildings on the site would be possible in the winter, and there would be more open views from the houses along the north side of Field C. From further afield there would also be some limited views above or (in the winter) through the boundary vegetation from upper floor windows of properties to the south east, to the west of London Road.
- c) There would also be some more distant views from the higher ground to the north east and east, on the far side of the valley of the River Rib and beyond the urban area of

Buntingford. The new houses in Field A would be visible from some of the properties within the ongoing Wheatley Homes Meadow Vale housing development to the south of Hare Street Road, above the intervening urban area, and some of the new houses (again, principally on the higher ground of Field A) would be visible between or above intervening vegetation from the minor road and bridleway just to the west of Owls Farm at a distance of around 1.9km, together with other current or recent housing developments which would also be present in these expansive views.

- d) From the south east there would be some limited views of the new houses on the higher parts of Field A from a small area around the junction of the minor road leading to Westmill with the A10, at a distance of around 2km.

- e) From the south and south west there would be filtered views into the western part of the site from the A10 as it passes the site - views ahead along the road are generally well screened even in the winter, but at the moment the site can occasionally be seen between and (in winter) through the vegetation in some views out to the side of the road. However, those views would be screened by the proposed bund and acoustic fence, such that there would be very few views of the new houses on the site from the road. There would be some limited and fleeting views at the points where there would be gaps in the bund and fencing to allow the footpaths to pass through them and alongside the hedge between fields A and B, and also more open views into the site at the point of the proposed access.

- f) There would also be some more limited and filtered views from the two public footpaths as they approach the site on the far side of the A10, though these views would be largely screened (in the case of the northern route) in the summer by the vegetation along both sides of the road (forming a double line of screening), and views from any further to the south west are screened by the ridge line which curves around parallel to the A10 just to its south and west, such that there would be no views from the lower ground around Aspenden Hall, or from any areas further to the west.

- g) From within the site there would be clear views of the new buildings and other elements of the development from the two footpaths which run across the site, and each route would need to cross the new internal access road.

6.2.2 The anticipated visual envelope for the proposed development is shown on Figure 3, and illustrates the above analysis of views. Visibility of the new development would be limited by a combination of the existing urban edge to the east and north, vegetation along the A10 and

also the rising ground beyond that to the south and west and further vegetation to the north. There would also be some partial and distant views from the higher ground to the north east, east and south east of Buntingford, though there are few publicly accessible viewpoints within those areas.

6.3 Landscape and Visual Change

6.3.1 Before considering the likely landscape and visual effects of the development, it is important to note the following important characteristics of both it and the surrounding landscape:

- a) The site is in agricultural use, but is visually and physically separated from the more open countryside to the south and west by the busy A10 bypass and the lines of trees along each side of the road, which contain the site against the edge of the settlement.
- b) I have assessed the landscape of the site itself as of low to medium quality (and medium quality for the site and landscape to the south and west of the A10 taken together), and the existing urban edge to the east is in places (especially in the northern part of Field A) quite raw and exposed. This was recognised by the DRP, which described parts of the boundary as a *'ragged arrangement of back gardens'*, and stated that *'the development offers an opportunity to provide an appropriate settlement edge to Buntingford'*.
- c) The site is generally well screened and contained by the trees alongside the A10 (which are still maturing) and the rising ground beyond the road, tall hedges or trees elsewhere and by the urban edge immediately to the north and east. Further containment to the west would be provided by the proposed open space alongside the A10, which could include the acoustic mound and fencing and extensive new planting.
- d) The outline proposals allow for retention and reinforcement of existing boundary vegetation, with new native species structure planting and other landscaped areas within the site, as indicated on the Development Framework Plan and Green Infrastructure Parameters Plan.
- e) The proposals have been developed with due regard to the topography of the site, with built development limited (both in extent and height) within the higher parts of the site, and the taller proposed buildings (of up to 3 storeys) generally limited to the lower, south eastern parts of the site.

- f) The development itself, while visible in some views, would not be unsightly or intrusive - houses are commonplace features of the urban fringe, and though they would be built on a currently greenfield site they would not appear out of place on completion of the development, in the context of the existing urban area to the east and north, and given the containment of the A10 bypass to the west.

- g) However, the site is in the countryside in planning terms and is in agricultural use, so some in-principle adverse effects arising from its development are inevitable, and would apply (to varying degrees) to the development of any greenfield site.

6.3.2 Bearing the above in mind, the degree of change to the landscape around the site brought about by the proposed development would be **medium** - while the developed parts of the site would obviously undergo a significant change (from open land to a new housing development), the remaining parts would not contain built development and would change to a lesser degree, and the overall development would have a limited impact on the wider countryside to the west and south west. Existing positive landscape features such as the trees and hedgerows around and within the site would be retained, reinforced and managed into the future.

6.4 Landscape and Visual Effects

Landscape Effects

6.4.1 The landscape of and around the site has been assessed as of medium sensitivity to development of the type proposed. The degree of change brought about by the development would also be medium, and overall landscape effects would therefore be **moderate adverse** at their greatest (see Appendix C for a summary of landscape effects at various scales). This would be in the winter soon after completion, when the various elements of the development would be at their most visible - effects in the summer would be at a lower level, as much of the existing screening vegetation is deciduous (as would be the majority of the new planting), and would be **slight to moderate adverse** only. There would be a sense of development and the urban edge extending out into the countryside, but this would be limited by the fact that the development would only extend to the line of the A10 bypass, which already forms a strong local landscape feature, and which would be reinforced as a robust long term boundary to the urban area by the proposed open space, planting, bund and acoustic fence along the western side of the site.

- 6.4.2 It is also important to note that the area over which these effects would be experienced is limited - there would be no significant views, and no significant effects, beyond the area of the visual envelope shown on Figure 3.
- 6.4.3 The above effects have been categorised as adverse, as there would be some inevitable harm as a result of the introduction of new buildings into what is presently an undeveloped site, but it should be noted that the new houses and employment uses in themselves, and the development as a whole, would not be unsightly or intrusive - any harm would occur as a result of the development of what is presently a greenfield site.
- 6.4.4 The above effects would be expected to decrease slowly with time, as the extensive proposed planting begins to mature (noting also that the existing trees alongside the A10 will continue to grow into the future), and as the new houses are integrated more fully with the surrounding area. There would be some longer term beneficial landscape effects within the site in terms of the new planting and areas of open space, but in overall terms the net **effects after around 15 years would be expected to be slight adverse**, again chiefly as a result of the loss of the presently open land.

Visual Effects

- 6.4.5 Landscape effects are those affecting the landscape as a resource, while visual effects are those affecting a specific visual receptor. Visual receptors are normally taken to be people in their homes or in publicly accessible points, or moving along public highways or footpaths. It is not at this stage possible to predict visual effects in any detail, as there are no detailed proposals for the development or for any associated mitigation which may help to reduce the effects, and as visual effects for any one receptor may depend to a large extent on the precise location of individual new buildings. The following is therefore a generalised assessment of likely effects on visual receptors, based on the proposals as shown on the Development Framework Plan and taking into account the landscape proposals as indicated on the Green Infrastructure Parameters Plan (as also summarised in tabular form in Appendix C):
- a) Properties to the east and north - some of the houses along the urban edge in the north eastern corner of Field A would have clear views of the proposed houses, and would lose their presently open, rural views. These properties would experience **high adverse visual effects**. Other properties in this area with more limited views (including those to the north of the site in Longmead where there is a tall hedge along the site boundary, and properties to the east with screening from garden vegetation) would experience **slight to moderate or moderate adverse effects**. Existing houses further to the south with limited and filtered views through garden or boundary vegetation

would experience **moderate or slight to moderate adverse effects**, depending on the nature of their existing views. Houses along the northern edge of Fields B and C would have filtered views through the tall boundary hedgerow (with clearer views for those adjoining Field C), and would also experience **moderate or slight to moderate adverse effects**, with up to **moderate to high adverse effects** for properties adjoining the north western part of Field C. A few properties to the south east, close to London Road, would have some views to the upper parts of some of the new houses within the site, and would experience **slight adverse** visual effects.

- b) Public Rights of Way - there would be clear and short distance views from the two public footpaths as they pass through the site (including some elevated views across the new development from the footbridge which carries the northern footpath across the A10), though the northern route would run within a new linear park through the site and the southern footpath would run for part of its length across new open space areas. People walking along these routes would experience **moderate to high adverse visual effects** for the northern footpath, and **high adverse visual effects** for the southern route, as their visual experience would change from being within a field to being within an urban area, and users of the both routes would need to cross the new internal site access roads. Effects for the northern footpath would be lower as it would run within a green corridor, though the new houses would be visible to either side of it. However, people using footpaths are essentially mobile, and their views will tend to change as they move along a route - when walking from south west of the A10 into the urban area (or vice versa) along either footpath, then the part of that overall route within the site would change, but the experience of walking along the remaining parts would not alter to any significant degree. For people walking towards the urban area on the south west side of the A10 there would be some views of the new houses within the site, but those views would be largely screened by intervening vegetation and would also be across the A10, so any adverse effects on those parts of the routes would be no more than **slight adverse**. To the east of the site there would also be some limited views from a short section of the bridleway to the west of Owls Farm - these views would be at a distance of around 1.9km, and the new houses on the site would be visible in the context of an expansive view which also includes parts of the urban area and the recent residential development at The Village. Any effects would therefore be **insignificant**, and for a short section of the route only.
- c) Local roads - There would be some filtered views from the A10 as it passes the site (particularly in the winter), though the proposed bund and acoustic fence would screen most views of the new houses, other than at the gaps in the bund and around the new access, where there would be clear views into the site along the line of the access.

There would also be a general sense of the urban edge having extended out towards the road. However, people driving along busy roads are generally taken to be of low sensitivity to visual effects, and the proposed planting would further screen the development over time. Any effects for users of the A10 would therefore be no more than **slight adverse**.

- d) Higher ground to the north east, east and south east - there would be some limited and distant views from visual receptors (houses and users of Owles Lane and short stretches of some Public Rights of Way) in some areas of the higher ground to the north east, east and south east of the site, as indicated on Figure 3. The roofs of some of the new houses would be visible in these views, but existing development within the town would also tend to be visible in the middle ground of the view, with development on the site visible in the background beyond. These views are also generally expansive, and the development would form a small component only of the overall view. Effects would therefore be no more than **slight adverse**, and for a small number of receptors only.

6.4.6 In terms of overall visual amenity, the development would be dominant in some short distance views from houses along the existing urban edge to the east, but would have a much lower visual presence elsewhere, and effects on the general visual amenity of the area around the site would be **slight to moderate adverse**.

6.4.7 As I have noted above for landscape effects, the above effects are those which would be experienced in the winter - effects in summer would generally be at a lower level, and all effects would be expected to decrease progressively with time, especially those for properties along the existing urban edge, which would be screened from the new development over time as the proposed planting grows up.

Night Time Effects

6.4.8 There are at present no detailed proposals for lighting of the site, but it is anticipated that there would need to be lighting for the new roads within the site and for the new roundabout junction on the A10, though any lighting would be designed to minimise potential adverse effects and prevent sky glow or light spillage. There would also be light sources within the new houses and within and around the employment uses. Any new lighting would be screened to some extent by the existing and proposed surrounding vegetation, and in most views where it could be seen it would be in the context of the existing lighting in the wider urban area to the north and east. The lighting associated with development of the site would therefore have a similar level of night time effects to those experienced during the day.

Transition

- 6.4.9 As I have noted EHDC's third reason for refusal cites (in addition to the straightforward detriment to landscape character referred to in the first reason) further specific harm in terms of the '*dense and urban appearance*' and failure '*to transition between the urban settlement boundary and the countryside beyond*' which would result from development '*at the maximum level*', i.e. the full 350 dwellings and full amounts of commercial and retail floorspace. Mr Williams' evidence considers the proposed density and the implications that may have for the appearance of the development, and I have given specific consideration to the matter of transition - my assessment as set out above has been of the full quantum of development, but I will consider below whether there is anything about the way in which the proposals span the area between the urban area to the east and the countryside to the west which specifically contributes to any harm to local landscape character, or would lead to any further harm.
- 6.4.10 In terms of the '*transition between the urban settlement boundary and the countryside beyond*', I believe that the point being made by the Council is that the site at the moment provides some kind of buffer area between the town and the bypass and the wider countryside to the west, and that the development would remove that buffer and extend the edge of the town out to the bypass, with a dense form of development which would itself not provide a gradual transition from the urban to the rural. There are therefore two matters to consider in this context - does the site provide such a buffer (and what would be the consequences if the site were to be developed), and would the proposed development provide a gradual transition from urban to rural (and what would be the harm if it would not)?
- 6.4.11 On the first matter, the site does at the moment comprise agricultural land between the edge of the settlement and the A10, and much of that land would be developed as a result of the proposals, but that would not be inherently harmful and would reflect the situation in many similar towns with bypasses, where development has extended out to the bypass from the previous edge of the settlement. The 'landscape buffer' is in fact just the fields which make up the site - the area carries no designation as a buffer or gap, and is not referred to as such in the District Plan or Neighbourhood Plan. The concern expressed by the Council in terms of this 'transition' is in my experience somewhat unusual for a situation in which a bypass exists between the existing urban edge and the countryside beyond, given that the bypass will tend to form a clear and firm future edge if development extends towards it. In order to assist with this matter, I have considered two examples of Hertfordshire towns with bypasses and development extending out towards them (Bishop's Stortford, within the East Herts area, and Royston, in North Herts), and have visited the areas concerned. I have also visited other relatively recent developments within Buntingford to see how the matter of transition has been handled, with photographs and relevant plans in my Appendix D.

- 6.4.12 As the examples for Bishop's Stortford and Royston in my Appendix D show, it is entirely normal for development adjacent to a town to extend outwards to a bypass road, and as the examples of other recent developments in Buntingford show, they have taken place without any apparent transitional zone. In my view (and presumably also that of EHDC in permitting the Buntingford and Bishop's Stortford examples) there is nothing wrong or discordant in the examples of development where there is no buffer or transitional area of development. Furthermore, the Appeal proposals would provide a landscape buffer between the edge of the settlement and the trees along the eastern side of the A10, in the form of the proposed linear open space and planted bund (and also the 'Green Edge' character area described in Mr Williams' evidence), which would represent an improvement in this respect over some of the examples set out in my Appendix D.
- 6.4.13 On the second matter, again as shown by the examples in my Appendix D, development in other comparable towns (including Bishop's Stortford which is within the EHDC area) has extended or is planned to extend out to the roads which bypass those towns with no provision (or apparent consideration) of any kind of transition (or buffer). The recent or planned developments simply extend out to their respective bypasses and stop, with provision of a suitable area of structural planting, which combines with the road itself and the trees alongside it to form what has in those cases clearly been considered to be an appropriate edge to the settlement - there is no apparent decrease in density or tailing off of built coverage. My view is that the developments in Royston and Bishop's Stortford illustrated in my Appendix D are entirely acceptable and unremarkable, both in terms of the new residential areas created and also how the extended urban area is perceived from the area beyond the bypass - in each case the bypass, together with the trees and other vegetation alongside it, provides a clear and robust edge to the extended settlement and a physical and visual separation between the urban area and the open countryside beyond the road, and the same would apply in respect of the Appeal proposals.
- 6.4.14 I would also note that the Council believe the Appeal site should not be developed, and that the existing urban edge should therefore remain, but there is in fact no gradual transition at the moment between the existing urban edge and the site - the urban edge is quite abrupt (and was referred to by the DRP as '*a ragged arrangement of back gardens*'), and the proposed development would result in a much more robust and well screened urban edge, along the line of the A10.
- 6.4.15 The above assessment has been of potential effects on local landscape character. There could also be some visual effects, in particular as people walk along the public footpaths out of the urban area, across the site and into the countryside to the west of the A10. I have already noted that there would be some adverse visual effects for users of these routes, arising from

the change in their experience from walking across open fields to walking through a new residential area. With the proposed development in place, the experience of walking along these routes would change, and the experience of leaving the urban area and entering the countryside would move to the south east by around 200 to 250m. At the moment that change is experienced at the existing urban edge, and is quite abrupt - people using the footpaths (which are narrow and enclosed by fences within the urban area) pass through dense boundary vegetation and emerge into an open field. With the development in place there would in fact be a more gradual transition - the routes would pass (at least in part) through a green corridor within the new residential area and would then cross the broad linear open space alongside the A10, before crossing the road (either at grade for the southern route or via the footbridge for the northern route) and entering the open countryside to its west.

6.4.16 To conclude on these matters, my view is therefore that the site does comprise an area of open agricultural land between the existing edge of the settlement and the A10, and that there would be some landscape and visual harm as a result of its development, but that the land has no additional significance or value as a buffer, and there would be no additional landscape or visual harm in that respect. The proposed development would in fact provide a more gradual transition between the urban area and the countryside than exists at the moment (though obviously the urban edge would move to the west), but there is in my view no particular value in there being a gradual transition in terms of a tailing off of development - what matters more is the nature of the boundary and the degree of screening and containment of the urban edge. The end result of the development would be for the edge of the settlement at this point to be well screened and effectively contained by a new, robust and well-vegetated urban edge along the line of the A10 - a situation which is replicated on the edges of many other towns, and which is being specifically planned for in the case of some of the examples set out in my Appendix D. There is in my view nothing unusual or specific about the Appeal site which would lead to a particular requirement in this case for the provision of a transitional or buffer area - such a buffer may be appropriate for an uncontained site on the edge of a settlement, but in this case an appropriate buffer is already present in the form of the A10 and the tall trees alongside it.

6.4.17 I would also observe that EHDC's apparent concern about a gradual transition between town and countryside appears to be a recent one - that was not mentioned as a concern in respect of the site in the SLAA, was not raised by the Design Review Panel, and did not feature in the reasons for refusal of the previous applications on the site. Furthermore, I would note that the DRP advised [see CD18.1] that '*It is considered the development offers an opportunity to provide an appropriate settlement edge to Buntingford*', '*which it is felt is currently missing*'.

Effects During Construction

6.4.18 The above assessment of effects has been of the completed development. There would also be additional effects during the construction stage, arising from the presence and movement of construction plant and the exposure of soil during earthworks, because partly completed buildings can appear more discordant and also because the proposed planting would not yet be in place. However, most of the construction activity would be screened to some extent by the surrounding vegetation, and any additional effects would be for a limited duration only, and would (as for the longer term effects described above) be felt over a limited area.

6.5 Planning Policy

6.5.1 In terms of the relevant planning policies which I have summarised above, and noting that the weight to be attached to the various policies is discussed in Ms Albans' evidence, I would observe that most of the policies seek as a minimum to prevent significant landscape harm, and to provide enhancement where possible. It therefore follows that, if no significant longer term harm would result from the proposed development, the development would not result in significant conflict with the policies. Relevant policies are considered below, together with an analysis of whether or not the proposed development would be in conflict with them:

- a) There would be a degree of conflict with those parts of the NPPF which seek to conserve and enhance the natural environment, as would be the case for development on any greenfield site. However, the harm would in this case be minimised by the well contained nature of the site, the design of the development and by the extensive landscape proposals, which would lead to local landscape and biodiversity benefits, increasing over time.
- b) There would also be some conflict with Local Plan Policy GBR2, as the development is not for one of the categories which are listed as appropriate in the rural area outside the Green Belt, though as noted above in terms of landscape character the site is separated from the open countryside to the south and west by the A10, and parts of it have an edge of settlement character.
- c) The proposals would largely accord with Policy DES1, as a masterplan has been developed with respect to comments from the DRP, the community engagement undertaken and also to the findings of the previous LVIA's, though engagement with EHDC on the masterplan has been limited.

- d) In respect of Policy DES2, the development would cause some limited and localised harm to landscape character, but the character and quality of the open countryside to the west and south of the site would be maintained, and a Landscape and Visual Impact Assessment has been produced as required by the policy. The development would also:
- Retain existing landscape features, including the vegetation around the site perimeter and the hedgerows and trees within the site, including the distinctive mature sycamores between fields A and B.
 - Provide extensive appropriate mitigation measures as suggested by the policy.
 - Contribute to the strategy for managing change as set out for the High Rib Valley in the EHDC Landscape Character Assessment, as it would include planting along the A10 corridor and would also improve the local network of rights of way with connections within the site.
 - Contribute to the strategy for the Cherry Green Arable Plateau character area, in that it would include some new native broadleaved woodland planting alongside the A10.
- e) The development would comply with Policies DES3 and DES4, as it would retain and protect important existing landscape features and would provide extensive new or reinforced landscape and amenity features, which would enhance local biodiversity interest, as set out in the ecology reports which accompany the application.
- f) The development would also comply with Policy NE3, which includes requirements to enhance biodiversity and retain existing trees and hedgerows.
- g) There would be no conflict with paragraph 6.1.17 of the District Plan, which states that *'the open character of the countryside between Aspenden and Buntingford will be preserved, thereby avoiding coalescence between the two communities'*. The development would not be visible from Aspenden as a result of the local ridge line between the settlements, and the line of the A10 and the trees alongside it also forms a strong physical and visual barrier between the settlements, with an extensive area of open land to the south and west of the road.

6.5.2 There would be some degree of conflict with Policies ES1 and HD2 of the Buntingford Community Area Neighbourhood Plan, as there would be some adverse landscape character effects, but this assessment has shown that such effects would be at a relatively low level,

localised and would further decline with time as the extensive landscape proposals begin to mature. The proposals have also been designed with respect to local topography to limit development (both in terms of its extent and its height) on the higher parts of the site, and in order to minimise any effects on longer distance views.

6.5.3 In summary, while there would be a degree of inevitable, in-principle harm in respect of some of the above policies, as would be the case for any proposed development of a presently greenfield site, that harm would be minimised by the generally contained nature of the site, by the retention of existing landscape features, by the nature and design of the proposed development and by the extensive landscape proposals. Any harm would be at a relatively low level, would affect a limited area around the site, and would reduce over time. Some degree of policy conflict would be largely inevitable for development on any unallocated greenfield site (and in this case would be at a low level and experienced over a limited area), and will need to be weighed in the overall planning balance against the benefits of the development, including the provision of new homes - the implications of any policy conflict, and the weight to be attached to it, are considered in the evidence of Ms Albans.

7. REVIEW AGAINST REASONS FOR REFUSAL

7.1 General

7.1.1 In this section I will consider my assessment against the first and third reasons for refusal and also make some observations on the EHDC Planning Officer's report [CD3.2] and the consultation response provided by the EHDC Landscape Officer .

7.2 The Planning Officer's Report

7.2.1 Before turning to the reasons for refusal, I will make a number of observations on the Planning Officer's report - the pages and paragraphs of the report are not numbered, but I will make my observations on the report in the order in which they appear within it, under the various sub-headings.

7.2.2 The report is reasonably detailed and thorough, and provides a summary of the proposals, the policy considerations, the consultations carried out and responses received. It also contains a section on 'Landscape character' which is based in large part on the consultation response provided by the Council's Landscape Officer [CD9.23].

7.2.3 Under the heading of 'Planning History' the report summarises the previous applications and the reasons given for their refusal. In the context of the current third reason for refusal (which appears to be based on the belief that the proposed development (at its maximum quantum) is too dense, and that the development would not provide an appropriate '*transition between the urban settlement boundary and the countryside beyond*') I would note that those concerns were not set out in the previous reasons for refusal, despite the 2022 proposals (3/22/1551/FUL) being in detail for the residential element, and despite the 2017 proposals (3/17/1811/OUT) being for up to 400 dwellings.

7.2.4 The section of the report under the heading of 'Landscape character' is based on and largely paraphrases the comments made in the Landscape Officer's consultation response, so I will consider the Landscape Officer's comments in some detail below, as they have presumably influenced the recommendation for refusal set out in the Planning Officer's report.

EHDC Landscape Officer's Comments

7.2.5 These comments were made in an internal EHDC consultation response note from the Landscape Officer [CD9.23] which I understand was written in December 2023, but which (somewhat confusingly) is dated 02/11/22 - that is the date on which the Landscape Officer commented on the previous proposals (3/22/1551/FUL), and as his comments on the current proposals are largely identical to his previous comments I assume he amended his previous comments (with some minor updates), and changed the reference to 3/23/1447, but omitted to change the date.

7.2.6 I have reproduced a number of the main comments made by the Landscape Officer below in italics in the order in which they appear in his consultation response, with my response following in normal text (the responses are made in the light of the detailed assessment set out in the LVIA which forms part of my evidence, and I have numbered each point for ease of reference):

A.

The agricultural land use of the site is to be found on both sides of the A10 and can be described as coherent or interconnected, despite the obvious presence of the road transport corridor - the undulating landform, open landscape character, land use and vestigial field pattern having been largely retained.

The site is presently in agricultural use and there is also agricultural land to the west of the A10, but the road does (as acknowledged in this comment) have an obvious presence within the local landscape. The road, together with the traffic passing along it and the trees to each side of it, forms a physical and visual barrier and does enclose the site against the edge of the settlement, separating it from the more open countryside to the west. In my judgement it is therefore incorrect to describe the landscape to either side of the A10 at this point as either coherent or interconnected - it is in fact bisected and separated by the road and the trees alongside it, and the more open and rural landscape to the west of the road has a different character to that of the site.

B.

The change of use, and scale of the proposed development, will result in urbanisation of the currently rural/agricultural landscape character of the site and surrounding area to the west. Albeit there are mixed adjacent land uses of water treatment works, housing, and transport corridor, the development will result in the loss of a clear and common connection between the agricultural land use of the site and the wider landscape setting.

The proposals would result in some significant changes to the landscape of the site itself, but those changes would be contained to a significant extent by the enclosing road and the trees alongside it. This comment exaggerates the '*clear and common connection*' between the site and the wider landscape to the west - while there are some views across the A10 (mainly in the winter) the site is generally well enclosed and separated from the wider landscape by the road and the trees alongside it, which would help to contain the proposed development and provide a logical boundary for the extended settlement. The site has a largely rural character, but some parts of it are strongly influenced by the adjacent edge of the settlement, while the landscape to the west of the A10 is unaffected by any significant settlement and has an entirely rural character.

C.

The extension of the urban fringe of Buntingford up to the A10 bypass in this location will mean the loss of landscape buffer and/or physical separation of the town from the transport corridor, forfeiture of the favourable transition from urban fringe to rural landscape and will be visually intrusive by disrupting valued views enjoyed by users of the rights of way which cross the site.

There is at the moment some agricultural land between the edge of the settlement and the A10, and much of that land would be developed as a result of the proposals, but that would not be inherently harmful (in terms of there no longer being a landscape buffer between the edge of the settlement and the bypass) and would reflect the situation in many similar towns with bypasses, where development has extended out to the bypass from the previous edge of the settlement. As shown by the examples in my Appendix D, development in other comparable towns (including Bishop's Stortford which is within the EHDC area) has extended or is planned to extend out to the roads which bypass those towns with no provision (or apparent consideration) of any kind of buffer or transition, and the results in my view are perfectly acceptable and unremarkable, both in terms of the new residential areas created and how the extended urban area is perceived from the area beyond the bypass.

I would also note that the Landscape Officer considers (see Point B above) that the Appeal site has a rural character, but there is in fact no gradual transition at the moment between the existing urban edge and the site - the urban edge is quite abrupt (and was referred to by the DRP as '*a ragged arrangement of back gardens*'), and the proposals would result in a much more robust and well screened urban edge along the line of the A10. Furthermore, the fact that the Landscape Officer expresses the view that the site provides a transition between the urban area and the rural landscape implies that the site

does not in fact have a fully rural character, otherwise it would not have that transitional role.

Finally, I agree that there would be some adverse visual effects for users of the rights of way across the site, but those effects would be minimised by the proposal to maintain the routes along their current alignments and to provide green corridors alongside the northern footpath and part of the route of the southern footpath. It is also likely to be the case, where a development involves extending the existing urban edge outwards across a presently greenfield site, that there are adverse visual effects for users of rights of way across or adjacent to such a site.

D.

The LVIA categorises the site as of low to medium landscape quality. However, by using criteria for determining landscape quality the site meets various criteria for both medium and high quality.

The site can, therefore, reasonably be said to fall into the medium landscape quality categories, but this can be raised to medium/high when adding in the special quality of the site as an important landscape buffer between Buntingford and the A10 bypass.

This is a judgement made by the Landscape Officer, and differs from that set out in the previous LVIA (to which he was referring) and also in this assessment, which is of low to medium quality for the site. The fact that the site lies between the edge of the settlement and the A10 would not affect its inherent landscape quality - it could potentially affect its landscape value, but it is not clear why the Landscape Officer considers that separating the edge of the settlement from the A10 bypass in itself means that the value of the landscape should be higher - the site is in the area between the edge of the settlement and the road, but that does not increase its value.

E.

The openness of the landscape on this side of Buntingford will suffer an immediate and permanent loss.

That loss would indeed take place, as it would for any greenfield development, but the actual physical loss would be limited to those parts of the site proposed for built development, and the consequent effects on the local landscape would be limited by the generally well contained nature of the site.

F.

The introduction of new housing and other development of this scale will have adverse impact [sic] on the wider landscape as experienced by existing residents, users of the A10 and local Rights of Way.

There would be some adverse landscape and visual effects, as set out in my assessment, but as noted above any effects on the wider landscape would be limited due to the contained nature of the site and its location between the urban edge and the A10.

G.

The landscape buffer between the A10 corridor and the outskirts of Buntingford will be lost. The A10 would no longer bypass the town but will instead coalesce with urban style housing development on an expanded urban fringe of Buntingford.

The 'landscape buffer' is in fact just the fields which make up the site, which lie between the existing edge of the settlement and the bypass - the area carries no designation as a buffer or gap, and is not referred to as such in the District Plan or Neighbourhood Plan. As the examples in my Appendix D show, it is entirely normal for development adjacent to a town to extend outwards to a bypass road. The A10 would clearly continue to bypass the town (it would not run through it), but the edge of the town would expand outwards to run close to the road - that is a commonly occurring situation, and it is not clear why the Landscape Officer considers it to be so harmful. If new development on greenfield sites is required, then a location such as this (where the site is enclosed and contained by a busy, tree-lined road) would in my view and in principle be preferable to an uncontained site bordered by open countryside. I would again refer to the view expressed by the DRP, that '*the development offers an opportunity to provide an appropriate settlement edge to Buntingford*'.

H.

The main viewpoints from which the various parts of the development will be seen are:

- *From the houses to the east along the urban edge.*
- *From the far side of the valley of the River Rib - parts of the far valley side can be seen from within the site, indicating that the site will also be visible from those parts of the far valley side.*

- *From the A10 as it passes the site - the roadside vegetation is sparse in places and the southern section of the A10 is on higher ground relative to the site.*
- *From the two public footpaths which cross the site, including elevated views from the footbridge where the northern footpath crosses the A10.*
- *In terms of overall visual amenity, the development would be prominent in some views from houses along the urban edge to the east, and the general visual amenity of the local area to the east of the site would be adversely affected.*

There would be some views of the development, and some adverse visual effects, for properties along the existing urban edge. However, those are private views which (while they are obviously of concern to the residents concerned) are not normally given significant weight in planning decisions. As set out in my assessment, any views from the higher ground to the east of the River Rib would be very limited and would be across the existing urban area, and any visual effects would be low level and limited. There would be some views from the A10 as it passes the site, and some awareness of the new development, but road users are generally considered to be of low visual sensitivity, and any views would be filtered and fleeting. There would be clear views from the two public footpaths across the site, with some adverse visual effects.

I.

The site is sensitive to a housing (and other) development of the proposed layout and scale:

- *It will cause significant harm to the coherence of the existing field system.*
- *The existing character of the site and its attributes such as landform and agricultural land use representative of the Rib valley landscape will be lost.*
- *The plateau and natural sloping/ undulating landform will be replaced by built form.*
- *Properties to the east and north will experience high adverse visual effects.*
- *The magnitude or degree of landscape change brought about by the development will be major, because of the change of use from agricultural land to housing development.*

The character within the site would change significantly, but the shapes and boundaries of the existing fields would in fact be retained. The agricultural land use of the site would cease, and it would become part of an expanded settlement - the existing landform would be to some degree masked by the development, but would remain (subject to some probable localised and minor regrading) beneath it. As I have noted in my assessment, there would be a high degree of change within the site, but that is inevitable with

development of a greenfield site, but what matters is how the development affects the landscape around it, where my assessment is that the change would be no more than medium (see my Section 6.3.2 above).

J.

The identity of the local surroundings is that of existing housing development set well back from the A10 ring road and looking out onto a landscape that is rural in character. The proposals however result in the immediate and permanent loss of this identity with the A10 now forming a tight collar around the development and therefore the town.

There would clearly be some change to the existing relative arrangement of the edge of the settlement and the A10 bypass, but as noted above that arrangement has no specific significance or value, and any development of a greenfield site will result in some change to the existing development pattern. As I have also noted above, if new development on greenfield sites is required, then a location such as this (where the site is enclosed and contained by a busy, tree-lined road) would in my view and in principle be preferable to an uncontained site bordered by open countryside.

7.2.7 In summary, there would clearly be some adverse landscape and visual effects as a result of the proposed development, as would be the case for any development on a greenfield site, and that is the assessment set out in my evidence. The Landscape Officer has noted that there would be adverse effects, but (in my view and in comparison with my assessment) has exaggerated the connection of the site to the wider landscape to the west of the A10 and the significance and value of the role of the site in forming a buffer between the edge of the settlement and the bypass, resulting in an overstatement of the level of those effects.

7.2.8 While the site does clearly form an open area between the urban edge and the road, it is not clear why the Landscape Officer ascribes such value to that 'buffer function' - the site does not separate two areas which should in terms of planning principle be kept apart (as could be the case if it were to be between two settlements which could merge and lose their separate identity). There would in principle be no specific or inherent harm in the urban area extending out to the bypass, which would then form a logical and robust boundary to the settlement, and would be a more appropriate arrangement in terms of landscape effects than a settlement extending out into open countryside with no obvious defining or enclosing feature. As the examples set out in my Appendix D show, such an arrangement is common for towns which have been bypassed.

7.3 The Reasons for Refusal

7.3.1 EHDC's first and third reasons for refusal were:

1. *The proposal comprises a substantial urban extension of Buntingford which would encroach into the rural area beyond the Green Belt, beyond the settlement boundary, to the detriment of the landscape character, rural appearance, and distinctiveness of the area contrary to Policies DES2, DES3, DES4, GBR2 of the East Herts District Plan (2018), Policies ES1, HD1, HD2, HD4 and BE2 of the Buntingford Community Area Neighbourhood Plan and the National Planning Policy Framework.*

3. *It has not been demonstrated that the application site can accommodate the maximum quantum of development outlined within the submitted parameter plans. The proposal at the maximum level outlined within these plans would create a dense and urban appearance which does not respect the site's rural character or its landscape character and fails to transition between the urban settlement boundary and the countryside beyond. The proposal would fall contrary to policies DES2, DES3, DES4, GBR2 or HOU2 of the East Herts District Plan (2018), policies ES1, HD1, HD2 and HD4 of the Buntingford Community Area Neighbourhood Plan, and guidance in the National Planning Policy Framework.'*

7.3.3 There are a number of strands to the above reasons for refusal, and I will comment on them in turn as follows, with a summary of the component of the reason in italics, and then my observations on that component in normal type below:

Reason 1

The proposal comprises a substantial urban extension of Buntingford which would encroach into the rural area beyond the Green Belt, beyond the settlement boundary ...

This is a broad statement of fact, and I would just note that, if the Council needs additional sites in order to be able to demonstrate the required housing land supply, then some land beyond settlement boundaries and in the rural area beyond the Green Belt is likely to be needed for development.

... to the detriment of the landscape character, rural appearance, and distinctiveness of the area ...

My assessment as set out above is that there would be some adverse landscape and visual effects, which would amount to a degree of detriment to the character and appearance of the

area. However, any proposed development of a greenfield site would (usually) be outside existing settlement boundaries, and would (inevitably) involve a degree of landscape harm and detriment, and as I have noted any harm in this case would be at a relatively low level, would affect a limited area around the site and would reduce over time, and any such harm would need to be weighed in the overall planning balance against the benefits of the development.

... contrary to Policies DES2, DES3, DES4, GBR2 of the East Herts District Plan (2018) ...

As I have noted, there would be a degree of conflict with Policy DES2, as the development would cause some limited and localised harm to landscape character, but the character and quality of the open countryside to the west and south of the site would be maintained, and a Landscape and Visual Impact Assessment has been produced as required by the policy.

There would in my view be no conflict with Policy DES3, as the proposals would retain and protect important existing landscape features (the hedgerows and trees around and within the site) and would provide extensive new or reinforced landscape and amenity features, which would enhance local biodiversity interest. If the fields which make up the site are regarded as landscape features, then their loss to the development would be an adverse effect, but some loss of fields would inevitably result from any greenfield development. There would also be no conflict with Policy DES4, as the proposals represent (or, noting their outline status, could represent at the appropriate stage) a high standard of design and layout.

There would be some conflict with Policy GBR2, as the development is not for one of the categories which are listed as appropriate in the rural area outside the Green Belt.

Policies ES1, HD1, HD2, HD4 and BE2 of the Buntingford Community Area Neighbourhood Plan ...

There would be a degree of conflict with Policies ES1 and HD2 (and also BE2), as there would be some adverse landscape character effects, but this assessment has shown that such effects would be at a relatively low level, localised and would further decline with time as the extensive landscape proposals begin to mature. The proposals have also been designed with respect to local topography to limit development (both in terms of its extent and its height) on the higher parts of the site, and in order to minimise any effects on longer distance views. There would also be some conflict with Policy HD1, as the proposals are not for one of the categories listed as permissible outside the settlement boundaries.

HD4 is a design policy, and as such could be complied with at the reserved matters stage.

... and the National Planning Policy Framework.

The reason does not set out which paragraphs of the NPPF are engaged here, but I assume that the reference would be to Paragraph 180 - my assessment is that there would be no conflict with Paragraph 180a), as the site and surrounding area are not a valued landscape in those terms, but that there would be some harm to the '*intrinsic character and beauty of the countryside*' and hence a degree of conflict with Paragraph 180b). However, as I have noted, some harm in this respect would result from development on any greenfield site, and the harm in this case would be minimised by the well contained nature of the site, the design of the development and by the extensive landscape proposals.

Reason 3

It has not been demonstrated that the application site can accommodate the maximum quantum of development outlined within the submitted parameter plans.

This part of the reason is addressed by Mr Williams, who demonstrates through detailed analysis that the site in fact can accommodate the maximum quantum of development, concluding in his Section 3.8.8 that '*I see no evidence at all for concern that the maximum quantum being proposed is inappropriate or excessive*'.

The proposal at the maximum level outlined within these plans would create a dense and urban appearance ...

This is again addressed by Mr Williams, who notes that the new residential areas would not have an unusually or discordantly dense or urban appearance within the context of the adjacent urban areas, and that the development would result in a lower gross density (in terms of dwellings per hectare) than the adjacent residential area to the east.

which does not respect the site's rural character or its landscape character ...

My assessment is that not all of the site does have a rural character at the moment, but that there would be some harm to local landscape character as a result of the development of a presently greenfield site. However, as set out in Mr Williams' evidence, the harm in this case

would not be at any greater level because of the density of the development (which, as Mr Williams has shown, would not be inappropriate or excessive, or out of character with its immediate context), and my assessment is that any landscape harm would be at a relatively low level, affecting a limited area around the site, and would further decline over time.

and fails to transition between the urban settlement boundary and the countryside beyond.

There is in my view no particular value in there being a gradual transition from the inner parts of a settlement to the countryside in terms of a tailing off of density - what matters more is the nature of the boundary and the degree of screening and containment of the urban edge. The proposed development would in fact provide a more gradual transition between the urban area and the countryside than exists at the moment, though obviously the urban edge would move to the west. The footpaths within the existing urban area are enclosed by tall fences and are somewhat claustrophobic in character, but the footpaths across the site would run for the most part (and for all of the northern route) through broad green corridors. The end result of the development would be for the edge of the settlement at this point to be well screened and effectively contained by a new, robust and well-vegetated urban edge along the line of the A10 - a situation which is replicated on the edges of many other towns, and in my view the proposed development would provide an entirely appropriate new edge to the urban area.

As Mr Williams has noted, the lower gross density of the Appeal proposals and the arrangement of the new open space along green corridors and around the western edge of the development means that the transition would be less abrupt than presently, and he concludes (in his Section 3.7.3) that the proposals handle the transition '*positively and successfully*'.

The proposal would fall contrary to policies DES2, DES3, DES4, GBR2 or HOU2 of the East Herts District Plan (2018) ...

I have commented on the above policies in respect of the first reason for refusal, save for Policy HOU2 which is to do with the density of new development in its local context, and is addressed by Mr Williams.

policies ES1, HD1, HD2 and HD4 of the Buntingford Community Area Neighbourhood Plan ...

I have commented on the above policies in respect of the first reason for refusal.

and guidance in the National Planning Policy Framework.

I have commented on the NPPF in respect of the first reason for refusal

- 7.3.4 In summary, I would therefore conclude that with reference to the first reason for refusal there would be some adverse landscape and visual effects, which would amount to a degree of detriment to the character and appearance of the area, and a degree of policy conflict. That harm should be taken into account in the overall planning balance (an exercise carried out by Ms Albans) at the correct level, which I believe is relatively low, noting also that it would affect a limited area around the site and would reduce over time.
- 7.3.5 Turning to the third reason for refusal as it relates to my evidence (and noting that Mr Williams deals with the matter of the proposed maximum quantum of development and density), I believe it is not justified, as the proposed development would not lead to any further harm or policy conflict in respect of the transition between the edge of the settlement and the countryside to the west of the A10.

8. SUMMARY AND CONCLUSIONS

- 8.1 The site for the proposed development lies to the south west of Buntingford, enclosed between the existing urban edge and the A10 bypass, and is proposed for a housing development of up to 350 new dwellings with some commercial, services and retail floorspace in the south eastern part of the site and associated works including drainage, access, allotments, public open space and landscaping.
- 8.2 The site is not covered by any national or local designations for landscape quality, and does not lie within the Green Belt, but it lies outside the defined settlement boundary and is in the countryside.
- 8.3 The site is in agricultural use and comprises three large arable fields, with the northern field being in a more elevated position and more open to view, and the south eastern field being lower and more enclosed. Two public footpaths cross the site, running from the village of Aspenden across the A10 and then through the site and into the urban area to the north east. These footpaths would be retained on their current alignments as part of the proposed development.
- 8.4 The site as a whole is separated from the open countryside to the south and west by the A10 and, while it is in agricultural use and has an overall rural character, some parts of it have urban fringe characteristics. I have assessed the site and immediately surrounding area as of overall medium landscape quality, as it contains some pleasant and attractive features and aspects (chiefly the rolling arable fields and the field boundary hedgerows), but is also affected by a number of visual detractors, including the adjacent A10, the existing urban edge (which is somewhat raw and open in places) and the nearby employment buildings and STW.
- 8.5 This development would be contained within the line of the A10, but the new houses on the higher parts of the site would be locally prominent, and the overall sensitivity of the site to the proposed development has therefore been assessed as medium, as there would be some loss of landscape features (chiefly the open fields which make up the site, though some extensive new landscape features would be provided), and the development would represent a significant change to what is at the moment a largely open, agricultural landscape, but in the context of the adjacent urban edge the new development, while visible, would not be discordant.

- 8.6 The proposals are in outline, but would allow for the retention of the visually significant vegetation around and within the site, with the exception of two short sections of hedgerow in the central part of the site which would need to be removed to create access into the northern and eastern fields, and a short length of the hedgerow and trees along each side of the A10 in order to create the new roundabout access. The proposals would also allow for the creation of significant areas of open space and new planting within the site, including an extensive area along the western side of the site which could include a mound and fencing for attenuation of traffic noise, together with extensive planting, areas of wildflower grassland a new footpath. There would also be open spaces at the points where the two footpaths run into the site from the urban area, which could be designed to create welcoming gateway features, larger equipped play areas, and an area of allotments in the north eastern corner of the site.
- 8.7 The development itself would not be unsightly or intrusive - houses are commonplace features of the urban fringe, and though they would be built on a currently undeveloped area, they would not appear out of place on completion of the development, in the context of the urban area to the north and east, and the STW and industrial estate to the south east. However, the site is in the countryside in planning terms and is presently undeveloped, so some in principle adverse effects would arise from its development, and would apply (to varying degrees) to the development of any greenfield site.
- 8.8 My assessment is that the degree of landscape change brought about by the development would be medium, and overall landscape effects would be moderate adverse at their greatest. This would be in the winter soon after completion, when the various elements of the development would be at their most visible - effects in the summer would be at a lower level, as much of the screening vegetation is deciduous, and would be slight to moderate adverse only. These effects would be expected to decrease over time, as the extensive proposed planting begins to mature (noting also that the existing trees alongside the A10 will continue to grow into the future), and as the new houses are integrated more fully with the surrounding area. The overall net landscape effects after around 15 years would be expected to reduce to slight adverse only, with the residual adverse effects chiefly as a result of the loss of the presently open land.
- 8.9 It is also important to note that the area over which these effects would be experienced is limited, and does not extend for a significant distance beyond the site boundary - some views of the new development would be possible from the higher ground to the east and south east of Buntingford, but in such views it would be seen in the context of the existing urban area or the A10 and its traffic, and the overall view from those areas would not change significantly.

- 8.10 There would also be some adverse visual effects for some of the properties along the eastern edge of the site, where their presently open and largely rural views would be changed by the development. There would be adverse visual effects for users of the two public footpaths which cross the site, and also (to a lesser degree) for people passing along the A10. All of the visual effects identified would be expected to decline over time.
- 8.11 In policy terms, while there would be some inevitable, in principle harm in respect of some landscape protection policies, as would be the case for any proposed development of a presently greenfield site, that harm would be minimised by the generally contained nature of the site, by the retention of existing landscape features, by the nature and design of the proposed development and by the extensive landscape proposals. Any harm would be at a relatively low level, would affect a limited area around the site, and would reduce over time. Some degree of policy conflict would be largely inevitable for development on any unallocated greenfield site (and would be at a low level and experienced over a limited area in this case), and will need to be weighed in the overall planning balance against the benefits of the development, including the provision of new homes.
- 8.12 Turning to the Council's first and third stated reasons for refusal, my view is that with reference to the first reason there would be some adverse landscape and visual effects, which would amount to a degree of detriment to the character and appearance of the area, and a degree of policy conflict. That harm should be taken into account in the overall planning balance at the correct level, which I believe is relatively low, noting also that it would affect a limited area around the site and would reduce over time.
- 8.13 My view is also that the third reason for refusal as it relates to my evidence is not justified, as the proposed development would not lead to any further harm or policy conflict in respect of its appearance, or of the transition between the edge of the settlement and the countryside to the west of the A10.

