TOWN AND COUNTRY PLANNING ACT 1990

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

REBUTTAL

Proof of Evidence on

LANDSCAPE AND VISUAL MATTERS

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June 2024

C O N T E N T S

Appendices:

1. INTRODUCTION AND SCOPE OF REBUTTAL

1.1 The evidence of the parties to the forthcoming Inquiry into the proposed development on land to the east of the A10 at Buntingford was exchanged on June 18th 2024, and I prepared the Landscape and Visual evidence on behalf of the Appellants.

1.2 On studying the evidence provided on behalf of the Council by Mr Browne (Effects on Landscape Character and Appearance) and Mr Hester (Planning) it became apparent that their evidence contained a number of assertions and comments about some aspects of the proposed development, on the topics of levels and retaining structures, vegetation loss and the potential for replacement planting, drainage basins and construction access. This brief rebuttal proof of evidence has therefore been prepared to respond to those assertions and comments where there are matters of fact at issue, in order to assist the Inspector in advance of the Inquiry - there are also other matters of judgement and interpretation in relation to the Council's evidence, which can be explored at the Inquiry.

1.3 The assertions and comments made by Mr Browne and Mr Hester were in the context of the landscape and visual effects of the proposed development, so I have co-ordinated and presented the package of information set out in this rebuttal, though the detailed information has been provided by other members of the Appellants' team, as identified in Section 2 below.

1.4 Section 2 of this rebuttal evidence briefly summarises the comments and assertions made by Mr Browne and Mr Hester under a series of topic headings, and provides summary responses to each of the comments and assertions in turn, with further details in the relevant Appendices.

2. REBUTTAL POINTS

2.1 Introduction

2.1.1 This section briefly summarises the comments and assertions made by Mr Browne and Mr Hester under a series of topic headings, and provides responses to each of the comments and assertions in turn.

2.2 Topographical Survey

2.2.1 Mr Browne states in his paragraph 5.2.3 that: '*It is difficult to assess this* [i.e. changes in landform which would result from the development] *further due to the surprising omission of a topographic survey within the original application or appeal submission*.'

2.2.2 In fact a topographical survey (with spot levels) was included within Appendix A of the the Flood Risk Assessment and Outline Drainage Strategy (July 2023) [CD1.17] which formed part of the original planning application. Furthermore, the Development Framework Plan ([CD 1.11] and also included within Appendix C of the LVIA submitted with the application) shows contours at 5m intervals, which (while generalised) give a reasonable idea of the overall topography, and the Design and Access Statement [CD1.9] has a section entitled 'Topography' (page 38), which includes a copy of the 1;25,000 Ordnance Survey mapping, which again shows contours at 5m intervals.

2.3 Levels and Retaining Structures

2.3.1 Mr Browne in his paragraph 5.2.3 also states that '*it is possible to conclude that the proposals will not be possible without a large amount of land movement and retaining features*'. Mr Hester makes a number of references to '*retaining structures*', including in his paragraphs 4.4, 6.29 ('*a significant number of retaining structures*'), 6.45 and 6.50. It is not clear what these statements are based on - the site does slope generally from north west to south east, but cannot be described as steeply sloping, and retaining structures are expensive to construct, and so would be avoided where not absolutely necessary.

2.3.2 WSP have advised that (see the note in Appendix A to this rebuttal, and with some additional information provided by FPCR, who produced the Design and Access Statement):

- The site has a general north west to south east slope varying between approximately 1:12 maximum to 1:30 minimum, with much of Field A at approximately 1:15, and the southern part of the site generally slightly flatter at approximately 1:20.

- There is a high point of 118.5m in the north western part of the site (in the western side of Field A, close to the A10), and a low point of 87.5m in the south eastern part (on the eastern side of Field C).

- Internal roads would be kept to a maximum of 1:12.5, so the topography would be suitable for access roads without substantial earthworks, and the proposals would follow the existing contours wherever possible. Some private driveways may need to be steeper to accommodate levels, but this is not an unusual situation.

- There would be requirements for low retaining walls within some rear gardens, to enable flat seating areas and garden spaces, but these would generally be low (maximum 1m in height) and to the rear of properties, and would therefore not be visible from public viewpoints.

- Dwellings would be stepped down the slopes, and terraced units would not be used in the areas of steeper slopes.

- The broad green corridors that are proposed across the site would offer the opportunity to naturally take up some of the changes in level and further reduce the requirement for retaining walls.

- The existing adjacent residential development just to the east of the site (around Oak End) is built on very similar levels to the steepest part of the site (up to 1:12). Within this area there are few retaining walls visible along the streets, and changes in levels are generally taken up within private drives and to the rear of properties, including some embankments along the boundary with the Appeal site.

2.3.3 In relation to the comment about '*a large amount of land movement'* it can be noted that the detailed proposals would seek to balance cut and fill within the site as far as possible, and that materials from excavations on the site could be used to construct the noise attenuation bund alongside the A10.

2.4 Loss of Existing Vegetation and Potential for Replacement Planting

2.4.1 Mr Browne states in his paragraph 5.2.4 that construction of the access roundabout: '*will lead to the removal of sections of existing boundary vegetation on both sides of the A10 and the requirement for vision splays may limit replacement planting in that part of the site*'. Mr Hester makes a similar comment in his paragraph 4.14, and in paragraph 6.50 he says that: '*Planting/landscaping would not be achievable in close proximity to the roundabout as the visibility sightlines need to be retained in perpetuity'*.

2.4.2 I agree that some vegetation would be lost around the new roundabout and also where the new internal access roads cross the hedges between Fields A and B and also B and C, as set out on page 48 of the LVIA and in section 5.2.1 f) of my evidence. In order to help clarify the extent of vegetation loss, WSP have produced the drawing included as Appendix B to this rebuttal. This shows that a length of around 200m of existing vegetation would need to be removed to accommodate the roundabout and the required forward visibility splays on the north east side of the road, with a much smaller length (of around 60m) removed on the south western side. The drawing also shows a small area of vegetation removal at the point of the proposed bus/ pedestrian access to Luynes Rise. These areas of vegetation loss are relatively minor in comparison with the size of the site and with the areas of proposed replacement planting.

2.4.3 Mr Browne and Mr Hester also assert that replanting would be difficult to achieve or limited because of the requirements for visibility splays on the approaches to the roundabout - they are correct in that the visibility splays would obviously need to remain unobstructed, but replacement hedgerow and tree planting would take place just inside the visibility splays, leaving a broader grass verge to the road, and providing replacement enclosure to the road within around 5 to 7 years. The replacement planting alongside the road at this point is shown indicatively on the Development Framework Plan, and would include planting to fill the existing gap at the point of the agricultural access to Field B from the A10.

2.5 Drainage Basins

2.5.1 Mr Hester states in his paragraph 4.15 that the two drainage attenuation areas in the south eastern part of the site: '*are designed to retain standing water and so will function as visual 'open spaces' and not usable 'open spaces'*.' WSP, who produced the Flood Risk Assessment and specified the location and layout of these areas, have advised (in their note in Appendix A) that the permanently wet areas of the basins would take up around one third of their total area, with the remainder being (subject to detailed design) wildflower grassland, of which parts (depending on the intensity of rainfall) may hold water for a short time after a storm event. The

majority of these areas would therefore not retain water for the overwhelming majority of the time, and would be available for informal recreation.

2.6 Secondary Construction Access

2.6.1 Mr Browne and Mr Hester both make the claim that a secondary construction access (besides the new roundabout) will be required - Mr Browne states in his paragraph 5.2.5 that: '*A separate temporary access to the site from the A10 is also likely to be needed away from the proposed roundabout, facilitating access for construction vehicles. This will require localised boundary vegetation removal leading to an element of short-term character erosion whilst replacement planting establishes*', while Mr Hester makes a similar statement in his paragraph 6.51.

2.6.2 As shown in the note in Appendix C, WSP have advised that Mr Browne and Mr Hester are correct in that a secondary construction access is likely to be needed in order to assist with the initial construction of the roundabout, but would be unlikely to require any significant use after that time. However they are incorrect in assuming that this would require any vegetation removal. The access would run into the south eastern part of the site (close to the roundabout) via the builders' yard and the existing area of agricultural hardstanding within the site - there is already an access suitable for large vehicles into the site at that point.

APPENDIX A ~ WSP Note on Earthworks, Retaining Structures and Attenuation Basins

Proof of Evidence - Response

DATE:	28 June 2024	**CONFIDENTIALITY:**	Restricted
SUBJECT:	Intended Earthworks within the Proposed Development and Attenuation Basin strategy		
PROJECT:	Land to the east of the A10, Buntingford	**AUTHOR:**	Andy Twyford

INTRODUCTION

This Technical Note has been produced in support of Appeal Ref APP/J1915/W/24/3340497 by Countryside Partnerships Ltd and Wattsdown Developments Ltd for Proposed Development at Land to the East of the A10, Buntingford, East Hertfordshire District Council planning application reference 3/23/1447/OUT.

It specifically responds to points raised within Effects on Landscape Character and Appearance Proof of Evidence provided by Robert Browne of Wynne-Williams Associates dated June 2024 concerning the below from Section 5.2.3 of same, transcribed below for ease of reference:

> *Considering the amount of topographic change present across the site, the proposals will require a substantial amount of modification to existing site levels to make the development viable. In addition to this, a bund is also proposed along the western boundary of the site. This represents another sizable change to the landform of the site itself. Whilst the specific details of level changes would not be known until later design stages, it is possible to conclude that the proposals will not be possible without a large amount of land movement and retaining features. It is difficult to assess this further due to the surprising omission of a topographic survey within the original application or appeal submission.*

This statement is incorrect as explained below.

RESPONSE

In general, the Proposed Development looks to retain the existing topography of the Site. We would confirm that a Topographic Survey of the site is included within the original application, found within Appendix A of the WSP Flood Risk Assessment and Outline Drainage Strategy supporting document dated June 2023 (Document Reference 10537-WSP-SW-XX-RP-C-0002). From this survey it can be confirmed that;

- The site has a general northwest to southeast slope varying between approx. 1:12 maximum to 1:30 minimum with much of the northern site at approximately 1:15, and the southern area generally slightly flatter at approx. 1:20.
- There is a high point of 118.5m in the northwest, and a low point of 87.5m in the southeast.

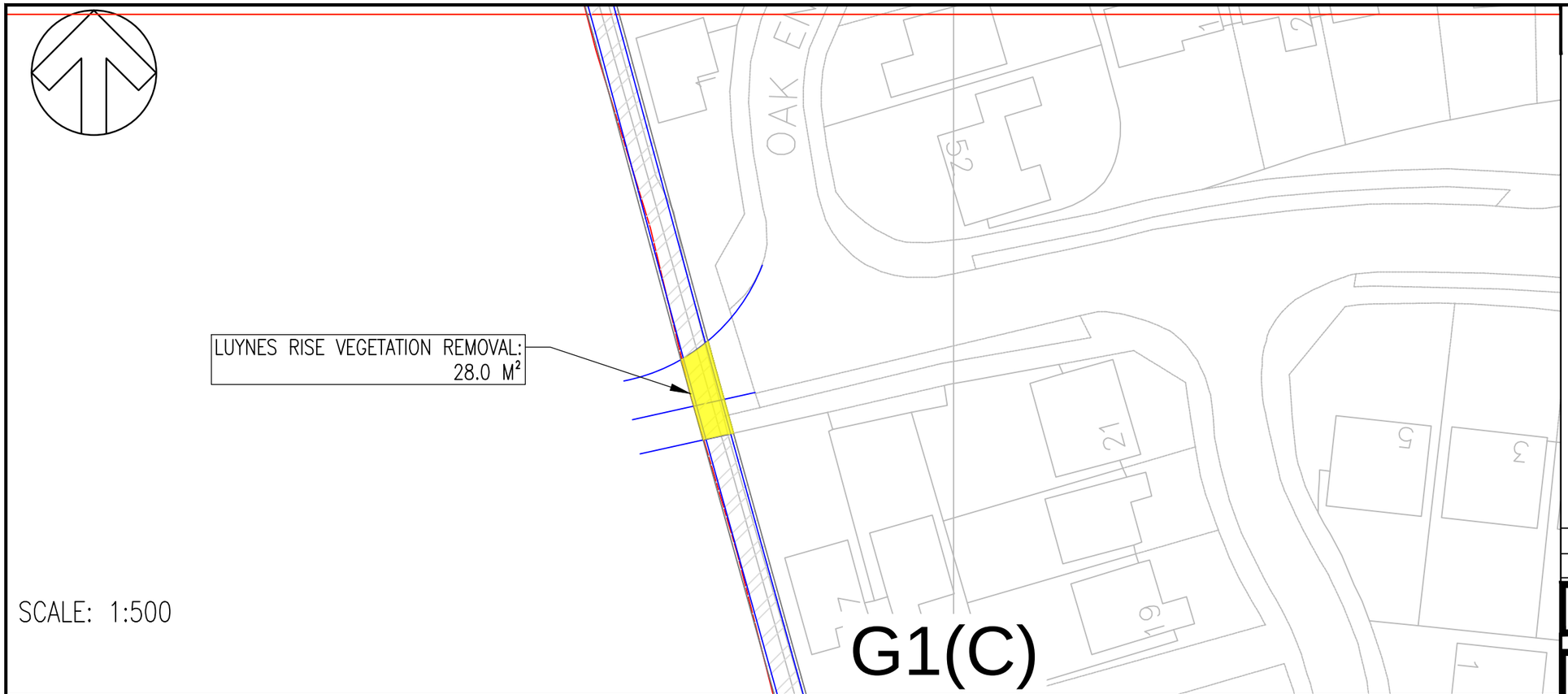
In terms of surface water drainage, the topography informs the catchments of existing land drainage ditches which traverse and bound the site, only one of which has a proven outfall and hence classified as an Ordinary Watercourse (OWC). Our approved Outline Drainage Strategy (Ref 10537-WSP-SW-XX-RP-C-0005 dated May 2024) necessarily mimics these catchments and hence topography, utilising the OWC as far as possible. As such there are only minimal modifications to existing site levels as explained below.

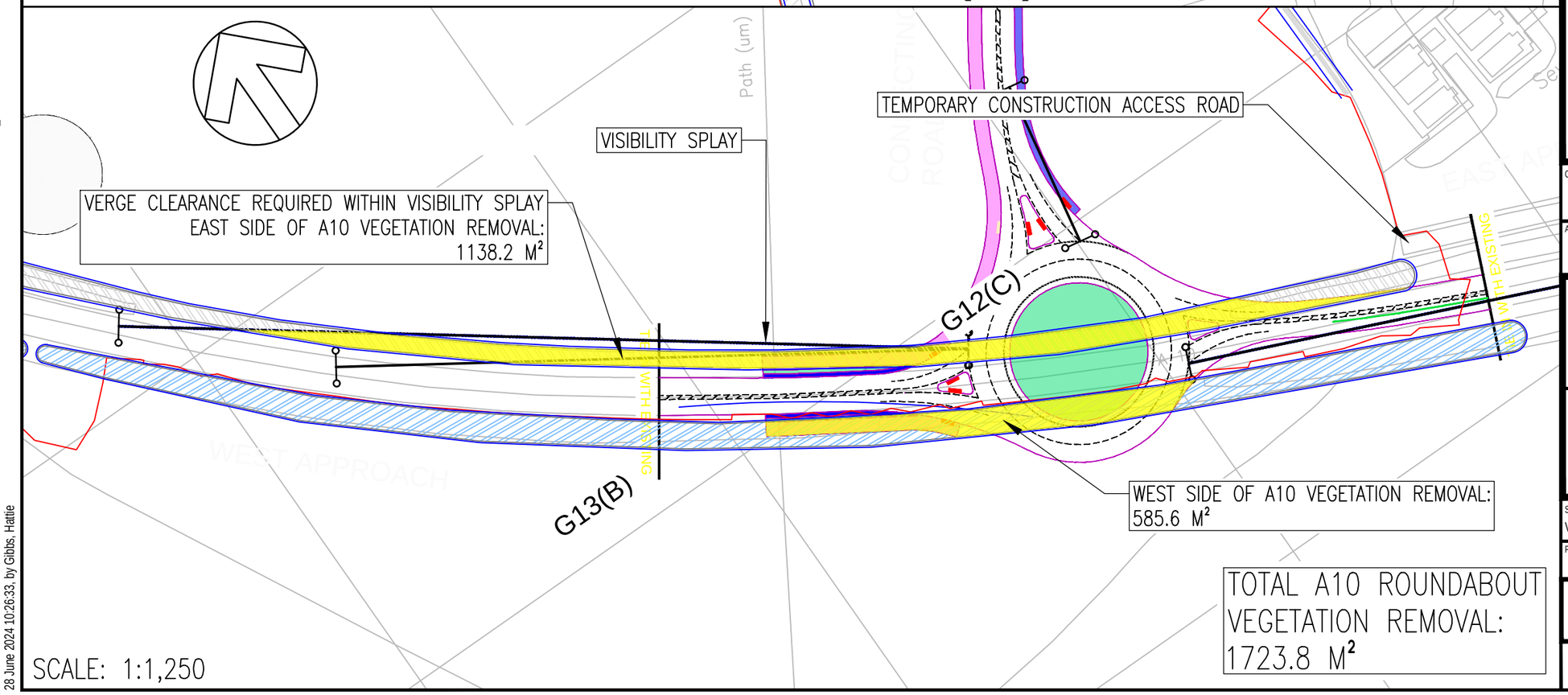
Another pre-requisite of any development is to mimic greenfield run off rate in terms of Surface Water discharge. The proposed surface water drainage concept is illustrated by WSP Drainage Strategy drawing 10537-WSP-XX-XX-DR-C-0001 Rev P04, included within Appendix A of the approved document above. In general, Source Control methodologies such as rainwater harvesting (in the form of water butts) and permeable paving will, be employed whilst SuDS techniques such as swales, filter drains, pipes, tanks and

detention basins/ponds will combine to form residual attenuation requirements. There are indicative surface water detention basin attenuation features shown on WSP Drainage Strategy drawing 10537-WSP-XX-XX-DR-C-0001 Rev P04. The basins will require a degree of earthworks to creating a flat storage area in order to perform its function in attenuating water, but these are thought to be balanced ie excavated soli (cut) will be provide formation of embankments (fill). We would confirm, following Lead Local Flood Authority (LLFA) and CRIA SuDS manual guidance, each basin will have an over-deepened area with a permanent pool that will enhance biodiversity, provide attractive features within the amenity open space and also provide additional treatment for the capture of sediment. It is thought that these constant pond areas will take up around 1/3 of the plan area of the basin, though will of course be subject to detailed design.

In terms of the internal roads, these will be kept to a maximum gradient of 1:12.5, an acceptable limit as defined in table 4.11.2.8 of the current *Roads in Hertfordshire: Highway Design Guide*. As such even if coincident with the steepest topography, the existing contouring can and will be retained. There will be requirements for low retaining walls within some rear gardens, to enable usable flat seating areas and garden spaces, but these will generally be low (thought to be around 0.6-1.0m in height) and will be to the rear of properties and therefore not be visible from public viewpoints.

APPENDIX B ~ Drawing Showing Vegetation Removal





DO NOT SCALE

AREA OF VEGETATION REMOVAL

UNTIL TECHNICAL APPROVAL HAS BEEN OBTAINED FROM THE RELEVANT LOCAL AUTHORITIES OR STATUTORY BODIES, IT SHOULD BE UNDERSTOOD THAT ALL DRAWINGS ARE ISSUED AS PRELIMINARY AND NOT FOR CONSTRUCTION. SHOULD THE CONTRACTOR AND / OR EMPLOYER COMMENCE WORK PRIOR TO APPROVAL BEING GIVEN, IT IS ENTIRELY AT THEIR OWN RISK

REV	DATE	BY	DESCRIPTION	CHK	APP
P01	27/06/2024	LW	FIRST ISSUE	GG	MA

DRAWING STATUS: S2 - FOR INFORMATION

wsp

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CLIENT: VISTRY HOMES

ARCHITECT:

PROJECT: LAND AT BUNTINGFORD WEST

TITLE: PROPOSED SITE ACCESS - VEGETATION REMOVAL

SCALE @ A3:	CHECKED:		APPROVED:
Varies (see individual frames)	GG		MA
PROJECT No:	DESIGNED:	DRAWN:	DATE:
2024UK271936	LW	LW	June 24

DRAWING No:	REV:
CAD-7498-VR-03 REV A	P01

APPENDIX C ~ WSP Note on Construction Access

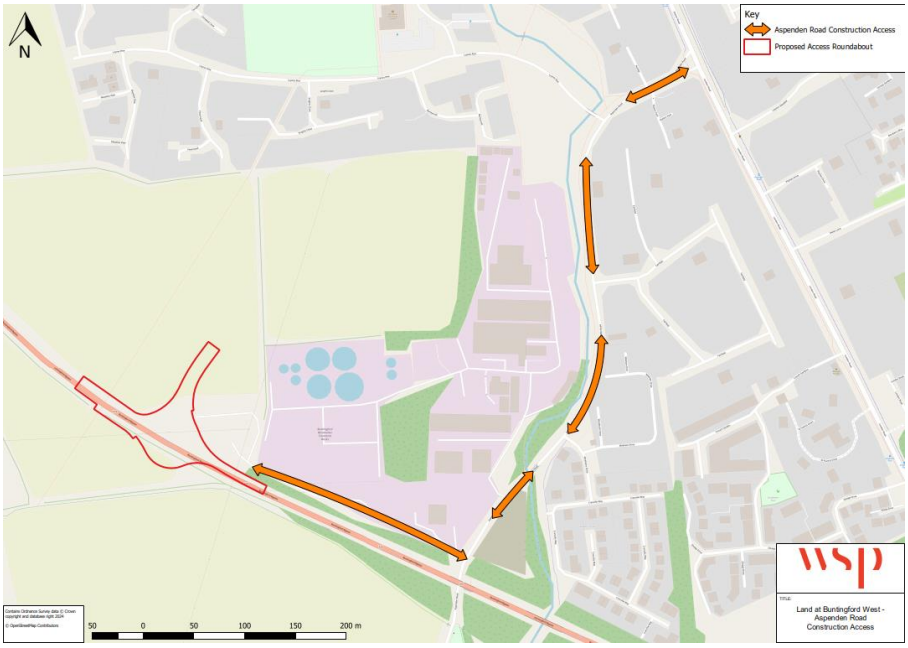
TECHNICAL NOTE 1: CONSTRUCTION ACCESS

DATE:	28 June 2024	**CONFIDENTIALITY:**	Public
SUBJECT:	Land at Buntingford West		
PROJECT:		**AUTHOR:**	Mehmet Ahmet
CHECKED:	Gideon Gasinu	**APPROVED:**	Mehmet Ahmet

At paragraph 5.2.5 of Mr Browne's proof states "*A separate temporary access to the site from the A10 is also likely to be needed away from the proposed roundabout, facilitating access for construction vehicles. This will require localised boundary vegetation removal leading to an element of short-term character erosion whilst replacement planting establishes*".

We have considered the potential location of the main construction access. It is likely that access for construction activities will be taken via Aspenden Road and then through the Poulton Building Supplies yard. Vehicles will then proceed onto the site to the location of the temporary agricultural hardstanding area. Our initial thoughts on the route for construction vehicles is indicatively shown in **Figure 1** below.

Figure 1 – Initial Access/Egress for Construction



The existing access onto and through the Poulton Building Supplies yard will be the initial access/egress until the proposed roundabout on the A10 has been completed, but may be retained as a secondary access for the duration of the works, though it is presently envisaged that it would not be used to any significant extent. A phasing strategy for construction will form part of the Construction Management Plan (CMP) which will be agreed with Hertfordshire County Council and the Local Planning Authority. A CMP will be provided through condition and no development will be commenced until it has been approved by the Local Planning Authority.