



Rebuttal Proof of Evidence Landscape

**Land off Leconfield Road,
Nanpantan**

PINs Ref: App/X2410/W/22/3304644

**March 2023
INF_N0908_Reb**

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1 Introduction

- 1.1 This rebuttal Proof follows my review of Mr Higson's Landscape Evidence for Charnwood Borough Council (CBC). Following that review, I consider that it would be helpful to provide a short rebuttal, addressing the following matters:
- Points now agreed as common ground.
 - Appeal decisions
 - The views from Burleigh Wood
- 1.2 I have not sought to respond to every point in Mr Higson's Proof. The fact that I have not responded directly to a point made by the Council should not be taken as an indication that I agree.

2 Points of Common Ground

Valued Landscape

- 2.1 In the consultation response of 27 April 2021¹, Charnwood Borough Council's Landscape Architect suggested that the appeal site constituted a valued landscape within the meaning of paragraph 174 of the NPPF. The Appellant responded to that consultation response in a letter by Mr Jon Golby (the Appellant's previous landscape consultant) dated 28 July 2021², which explained that the site had a medium to low value and was not a valued landscape.
- 2.2 It was not clear from the CBC Statement of Case (SoC) whether the Council maintained the position that the appeal site was a valued landscape. That SoC included references to both parts (a) and (b) of paragraph 174 of the NPPF, albeit it only alleged conflict with part (b) which contains the requirement to recognise the intrinsic character and beauty of the countryside and does not relate to valued landscapes.
- 2.3 Mr Higson has now confirmed at 2.1.11 of his Proof that the appeal site is not valued landscape. It is therefore clear that both parties agree that the appeal site is not a valued landscape.

The Impact of the Proposals on the Wider Landscape

- 2.4 At paragraphs 7.16 and 7.17 of its SoC, CBC suggested that the appeal scheme would have significant adverse impacts both on the site itself and on the local area and the wider Charnwood Forest area.
- 2.5 In my Proof, I set out in my assessment that the impacts of the proposal diminish rapidly beyond the immediate environs of the site³ and that the Loughborough/Shepshed and Bradgate, Beacon Hill and Outwoods Heathlands LCAs would experience only minor and minimal/negligible impacts.
- 2.6 Mr Higson's Proof finds that there would be a Low adverse⁴ magnitude of change upon Loughborough/Shepshed and a Negligible adverse overall magnitude of landscape change on Bradgate, Beacon Hill and Outwood's LCA⁵.

¹ CD 8.39

² CD 2.13

³ CD 4.2.5, 4.20

⁴ CD 4.3.3 Page 28

⁵ CD 4.3.3 Page 29

- 2.7 It now appears to be common ground that the appeal scheme would not cause significant harm to the wider landscape. The impacts are now judged to be Minor, Minor-Minimal Adverse by the Council⁶.

The Visibility of the Proposals from the Wider Landscape

- 2.8 In his consultation response of 27 April 2021, CBC's landscape officer suggested that '*Proposed dwellings would dominate and overlook surrounding housing and bring pitched roofs prominent in relation to the wood in distance vantages*'⁷. This point is reiterated in the CBC SoC, which says at paragraph 7.19 that '*the massing of the houses would over dominate the spaces and be visually prominent in the landscape*' and 7.30 that the site is fairly prominent in the locality and that the proposals are likely to be visible from several vantage points such that '*the proposal would be detrimental to the visual amenity of the area*'.
- 2.9 The viewpoints in the G+L LVIA which represent longer distance views are 11 & 12 which Mr Golby assessed as experiencing Minor Adverse effects⁸. As part of the Appellant's Landscape SoC⁹ Verifiable Views were carried out from these locations in response to the CBC SoC. These show that from VP11 the application site and the proposals are not visible and from VP12 the proposals are barely discernible. My own assessment was that '*the verifiable views showed that there is no view or very limited views with the proposals barely perceptible, reading as a very small and insignificant continuation of the settlement*'¹⁰.
- 2.10 In his Proof Mr Higson assess a No Change from VP11 and Minor Adverse from VP12, assessing a negligible magnitude of effect due to a very limited scale and size and negligible geographical extent.
- 2.11 As such, it now appears to be common ground that the visual receptors on the PRoWs to the south are largely unaffected by the proposals and that contrary to the CBC SoC, the proposals are not visually prominent in the landscape and the roofscape of the appeal scheme would not be prominent in relation to the wood in long-distance views.

Views from Within the Site

- 2.12 It appears to be common ground that there are no visual receptors within the site and therefore no views within the site which require assessment.

⁶ CD 4.3.3 Table SH-11 page 32

⁷ CD 8.39

⁸ CD 1.10 page 35

⁹ CD 4.2.2

¹⁰ CD 4.2.2, 4.37

3 Appeal Decisions

- 3.1 Mr Higson's Proof introduces a number of appeal decisions at paragraph 5.4, which include consideration of Local Plan Policy CS11(Landscape and Countryside) and NPPF paragraph 174 with relevance to 'valued landscape'.
- 3.2 These planning applications differ from the appeal application in a number of respects and are not considered to assist in the determination of this appeal, given that each case must be determined on its own merits.

4 Views from Burleigh Wood

- 4.1 The University of Loughborough owns the land comprising Burleigh Wood. It has confirmed to the Appellant that there is no public right of way through the Woods, but that it allows access on a permissive basis. I understand that to mean that the University can revoke or prevent access. This is set out in 2.14 of Mr Stott's Planning Proof for the Appellant and confirmed in an email from Avison Young to Mr Stott¹¹.
- 4.2 Mr Golby previously assessed two views from Burleigh Wood as part of the G+L LVIA. They were not reassessed as part of the Appellant's Landscape SoC or my Proof. Mr Higson has included the G+L LVIA viewpoints within his Proof, although he has slightly altered the position of them as shown on his map (Figure 8 in his Proof, viewpoints 8i and 8ii).
- 4.3 For completeness, although the position with regard to access remains as set out by the University, I have assessed the views from Burleigh Wood.

Assessment of Viewpoint 8

- 4.4 The site was visited on 13 March 2023 and representative views were recorded and are set out in Appendix A.
- 4.5 Burleigh Wood is ancient woodland and access is set along permissive routes, largely in a circular route which runs about 10-15m inside the boundary. The route is a mud track with boardwalks over the wetter areas¹². The woodland is accessed via tarmac paths off Nicolson Road and Compton Close, which leads through a pedestrian gate on to the path. An interpretation board provides information about the woodland. To the north east is the newly planted woodland extension which runs around the perimeter of the University sports pitches.
- 4.6 The woodland is bound at this point by the back gardens of the properties on Compton Close and Montague Drive. The houses are very evident in the view and the visitor has a clear awareness of them, especially adjacent to the woodland extension area. This is apparent in the two views below.

¹¹ CD 4.1.1

¹² The habitat detail is set out in more detail in the Proofs of Mr Oliver Ramm



View recorded looking east towards the entrance and the properties on Compton Close



Views recorded looking south east from the edge of the woodland extension area



View looking towards the site from within the wood on the main path

- 4.7 As the visual receptors move further south into the woods, the boundary vegetation becomes denser, brash has been placed up against the fence and the path is largely set back from the woodland edge other than at limited locations along the route.
- 4.8 It is agreed that the receptors in Burleigh Woods have a high sensitivity to the proposed development¹³. In terms of impacts on these visual receptors, the development will be visible albeit filtered through a relatively dense woodland edge, especially in summer. The houses will be significantly less visible than those on Compton Close or Montague Drive due to the offset and the existing and proposed intervening vegetation. There will be a noticeable change, but

¹³ Mr Golby, Mr Higson and myself agree on High Sensitivity

the focus of the receptor is on the woodland itself and the proposals will not dilute or materially affect the character of the woodland. I agree with Mr Golby that there will be a low magnitude of change, resulting in a Moderate Adverse effect at Year 1 which will lessen as the vegetation matures and further restricts the views.

- 4.9 Close up to the appeal site, directly against the boundary fence line, the change will be more evident, but this is for a limited period of time, focussing on one incidental view. As Mr Higson's sets out at 4.3.26, *these are views off the route of the existing trodden path*. Structural planting as part of the landscape strategy will improve the vegetation cover in this location and further filter the view of the proposed development.



View through boundary vegetation

- 4.10 Conversely, for large parts of the circular walk the boundaries are much denser and views are completely enclosed. The overall setting of the woodland remains perceptually the same, consisting of settlement edge, open areas and newly planted woodland. Although I agree with Mr Golby that overall, at VP07 there will be a Major – Moderate Adverse effect albeit there is the opportunity for the view to be further filtered through additional planting. The housing is set in excess of 25m from the boundary at this location. This will contribute to a reduction in the visual impacts.

View Location	G+L LVIA	Mr Higson (CBC)	Influence (Appellant)
View on the site boundary – VP07 (G+L)	Year 1 – Major – Moderate Adverse	Year 1 – Major Adverse	Year 1 – Major – Moderate Adverse
	Year 15 – Major – Moderate Adverse	Year 15 – No assessment assume Major Adverse.	Year 15 – Major – Moderate Adverse

View Location	G+L LVIA	Mr Higson (CBC)	Influence (Appellant)
View from directly west of the appeal site – VP08 (G+L)	Year 1 – Moderate Adverse Year 15 – Minor Adverse	Year 1 – Moderate Adverse Year 1 – No assessment assume Moderate Adverse	Year 1 – Moderate Adverse Year 15 – Minor Adverse

Appendix A Views from Burleigh Wood



Burleigh Wood Representative Viewpoint 01



Burleigh Wood Representative Viewpoint 02

Drawing Number:
N0908(08) 001

**Leconfield Road, Nanpantan
Representative Viewpoints**

influence[®]



Burleigh Wood Representative Viewpoint 03



Burleigh Wood Representative Viewpoint 04

Drawing Number:
N0908(08) 002

**Leconfield Road, Nanpantan
Representative Viewpoints**

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Burleigh Wood Representative Viewpoint 05



Burleigh Wood Representative Viewpoint 06

Drawing Number:
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**Leconfield Road, Nanpantan
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Viewpoint Locations

Drawing Number:
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Leconfield Road, Nanpantan Representative Viewpoints

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