



Mercia EnviRecover

**PUBLIC INQUIRY UNDER SECTION 77 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 (AS AMENDED) INTO THE
PROPOSED DEVELOPMENT OF AN ENERGY FROM WASTE
FACILITY ON LAND AT HARTLEBURY TRADING ESTATE,
HARTLEBURY, WORCESTERSHIRE**

**PINS REFERENCE: APP/E/1855/V/11/2153273
LPA REFERENCE: 10/000032/CM**

LANDSCAPE AND VISUAL IMPACT

MWM 7

PROOF OF EVIDENCE OF JONATHAN MASON

October 2011

axis

CONTENTS

- 1.0 INTRODUCTION AND SCOPE OF EVIDENCE
- 2.0 SYNOPSIS OF LVIA
- 3.0 MATTERS IDENTIFIED BY THE SECRETARY OF STATE
- 4.0 OTHER LVIA MATTERS
- 5.0 CONCLUSIONS

APPENDICES (Bound Separately as MWM 8)

JM1	Assessment of WAIL viewpoints
JM2	Long Distance vantage points
JM3	Development within the Greenbelt
JM4	Extracts from Landscape Character Assessment Guidance
JM5	Carland Cross – extract from Appeal Decision
JM6	Extracts from LCA Topic Paper 6
JM7	Extracts from GLVIA
JM8	Wychavon District Planning Committee Report 15/09/2011 (Land at Waresley Park, Hartlebury)

1.0 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 Qualifications and Relevant Experience

1.1.1 I am Jonathan Mason of AXIS, a multi-disciplinary planning, environmental and landscape/urban design consultancy. The practice operates throughout the UK and has a specialist waste and minerals planning capability. I have worked for AXIS since 2001 and hold the position of Technical Director.

1.1.2 I hold a BSc Honours degree and postgraduate Diploma in Landscape Design and am a Chartered Member of the Landscape Institute. I have over twenty year's professional experience in both landscape architecture and landscape and visual assessment.

1.1.3 I have undertaken projects in a wide range of work sectors and for a wide range of clients including local authorities, government bodies and industry. Notable and relevant recent projects include:

- Landscape and visual assessment for Eastcroft EfW 3rd line in Nottingham;
- Landscape and visual assessment for Binn Farm EfW in Perth, Scotland;
- Landscape and visual assessment for Sleaford Renewable Energy Plant (Biomass power station) in Lincolnshire;
- Landscape and visual assessments for a number of wind farm developments;

1.1.4 I have been involved in several public inquiries and planning appeals where I have provided evidence on landscape and visual matters.

1.2 Scope of Evidence

1.2.1 I have prepared this proof of evidence for the Inquiry arising from the Secretary of State's decision to call in the planning application for the Mercia EnviRecover facility for his own determination under Section 77 of the Town and Country Planning Act 1990 (as amended).

1.2.2 My involvement with the Mercia EnviRecover proposal dates back to August 2009 when Mercia Waste Management (MWM) identified the site following a Site Search Exercise (SSE) undertaken by AXIS to identify suitable sites for the development of a facility or facilities for the treatment of residual waste arising from its Waste PFI Contract in Worcestershire and Herefordshire. As Technical Director of the AXIS landscape team I oversaw the preparation of both the Landscape and Visual Impact assessment and the landscape design proposals for the proposed development.

1.2.3 My evidence is divided into a number of sections, which cover the following matters:

- 1) A synopsis of the Landscape and Visual Impact assessment submitted as part of the Environmental Statement;
- 2) Consideration of matters relevant to landscape and visual assessment that have been raised by the Secretary of State;
- 3) Consideration of other matters relevant to landscape and visual assessment;

2.0 SYNOPSIS OF THE LANDSCAPE AND VISUAL ASSESSMENT

2.1 Introduction

- 2.1.1 A detailed Landscape and Visual Assessment was undertaken during the winter of 2009/2010 and was submitted as part of the Environmental Statement (ES) for the proposed Mercia EnviRecover facility at Hartlebury, Worcestershire, which is the subject of this inquiry.
- 2.1.2 Landscape and visual effects are separate, although closely related and interlinked issues. As such, assessments of the effects of the proposals upon the landscape and upon visual receptors were carried out separately but were described within a single report.
- 2.1.3 The assessment was undertaken by a Chartered Member of the Landscape Institute. The methodology used to carry out the landscape and visual assessment of the proposed development is based upon and consistent with the guidance set out in 'Guidelines for Landscape and Visual Impact Assessment' (The Landscape Institute and Institute of Environmental Assessment – 1st ed. 1995 and 2nd ed. 2002).
- 2.1.4 The assessment summarises the components of the proposed development and describes mitigation measures that were incorporated into the design – largely in response to the recognition of the potential for localised visual impacts and the need to reduce this as much as possible.
- 2.1.5 The assessment then goes on to describe and explain the methodology adopted (contained in a separate appendix) which is essentially as follows:
- describe the baseline environment for the assessment;
 - use professional judgement to ascribe sensitivity levels to the landscape and visual resources in the receiving environment;
 - determine magnitudes of change that would be experienced through introduction of the proposals;
 - utilise a matrix to correlate sensitivity of the receptor and magnitude of change to derive an indication of impact significance; and

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- apply professional judgement in relation to the specific circumstances of the receptor to determine whether effects are likely to be significant in EIA terms

2.2 The Findings of the Assessment

2.2.1 The findings of the assessment were as follows:

Landscape assessment: landscape fabric

2.2.2 The existing scrub vegetation present on site would be replaced by predominantly built features of a high architectural standard and associated hard standing. A comprehensive landscape scheme would be provided as part of the proposal and would provide new planting, grassed areas and water bodies which would all be implemented and maintained to a high standard. The significance of effects upon the landscape fabric **would not be significant** in EIA terms.

Landscape assessment: landscape character

2.2.3 The proposal would be introduced into an immediate landscape setting that is defined by extensive existing industrial development and landfilling. As the development would be larger in size and scale than existing development, some localised change to the visual context of the landscape would occur, however this would not affect the key characteristics of any landscape type identified at County level, or the local landscape setting of the site itself. The effects upon the character of surrounding landscape **would not be significant** in EIA terms.

Visual assessment

2.2.4 The assessment found that significant visual effects in EIA terms would not occur, due to the existing visual context of the extensive development present at Hartlebury Trading Estate and the adjacent landfill sites. The proposed development would be conspicuous due to its size and scale from residential properties at Waresley Park, from isolated properties to the north, east and south of the site and from sections of the local public rights of way

network, but this would not cause the broad composition and components of existing views to undergo significant change and the visual amenity of receptors would not be significantly affected.

- 2.2.5 The assessment conclusion was that whilst the proposed development would by virtue of its function be notably larger in size than existing adjacent industrial developments, it would be similar in type and would not lead to a change in underlying landscape character. The development has been designed so as to reduce visual effects and would not cause any notable change to the broad composition of existing views from the surrounding area. The visual amenities of the Green Belt would not be materially affected. The chimney stack that would form part of the development would be more widely visible due to its height, but this would be set in the context of a landscape where views of tall structures are commonplace.
- 2.2.6 I am satisfied that the assessment has been carried out correctly, with an appropriate scope and in accordance with a clear and appropriate methodology. I endorse the findings of the assessment.

2.3 Further Analysis

- 2.3.1 The following paragraphs expand upon the findings of the assessment

Impact significance

- 2.3.2 The significance of impacts upon views, and in particular upon views from residential receptors, has been raised by third parties, including WAIL, who have stated that they believe sensitivity and/or magnitude to have been underestimated in the assessment. Having reviewed the assessment in detail, I do not agree that either sensitivity or magnitude have been underestimated.
- 2.3.3 The most significant effects identified in the assessment related to residential properties (ranked as high sensitivity) in which the development would introduce an additional industrial building into views over a diverse landscape – a prominent component of which comprises similar buildings.

The EnviRecover facility would be differentiated from the existing buildings by virtue of being taller and having a tall stack, but the fact would remain that it would have similarities with existing components of the view and as a consequence the degree of change brought to views would be limited.

2.3.4 The landscape and visual assessment methodology (refer Appendix 8.1 to the Environmental Statement p8 paragraph 3.5) [CD-PA1] sets out criteria which indicate the type and scale of change that apply to each classification of magnitude of effect. It is important to note that the criteria are concerned with not only to what extent a development would be visible, but also the context into which that visibility would be introduced. The degree of contrast with or similarity to existing components of the view are pertinent to whether a receptor would experience a completely different assemblage of elements – which could constitute a large change, or a broadly similar assemblage which would constitute a smaller change.

2.3.5 A further element that has been considered in assessing views is the extent to which views are available from the receptors. Clearly, a property that is shielded by vegetation in close proximity is going to experience less of a change in view as a result of modifications to the landscape beyond that vegetation, and this is a further consideration in establishing the appropriate magnitude criterion. With specific reference to the residential property in the vicinity of the site, my finding is that:

- The closest properties at approximately 700m were Bassage Farm and New House Farm. The former is shielded from the development by a number of large agricultural buildings, and the latter has the benefit of substantive screening vegetation, both around its curtilage and on the eastern edge of the Waresley landfill site
- Other dwellings to the south and east, including isolated cottages and the hamlet of Elmley Lovett benefit from mature garden vegetation and/or mature roadside hedgerows and trees
- Properties at the eastern edge of Hartlebury, on Walton Lane benefit from screening as a result of the landfill site landform and associated vegetation. They also already have views of a prominent stack on the Trading Estate

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- Properties at Waresley Park are relatively closely packed and consequently many properties only have partial views towards the site between and/or over intervening properties
- 2.3.6 Consequently in addition to the fact that the new development is comparable to existing elements of views, from the most sensitive visual receptors there is a general lack of clear open views towards the development.
- 2.3.7 Once magnitude and sensitivity have been established for each view they are combined using a matrix to arrive at a significance of effect on a ten point scale from negligible through to substantial. Effects that register above moderate are highlighted as having a *likelihood* of being considered significant 'in EIA terms'.
- 2.3.8 Whether or not such effects should be considered as significant is qualified because significance in a landscape and visual assessment context cannot be seen as generic or absolute and can only be defined in relation to each development, in its location and circumstances. Unlike other topics in EIA such as noise, air or water quality, where levels of magnitude or scale and resultant acceptability criteria can be based on established, measureable technical thresholds, it is not possible to arrive at reliable and universally applicable fixed thresholds to determine significance for landscape and visual effects. The assessor therefore needs ultimately to use professional judgement. Whilst the assessment matrix provides a clear means of communicating the underlying logic upon which assessment is undertaken, in reality effects are not as linear as this format suggests.
- 2.3.9 The assessment finding was that whilst the assessment matrix led to a number of Moderate to Major adverse impacts (which exceed the indicative significance threshold), in the assessors professional opinion there would not in fact be a 'significant' adverse impact that would be comparable in terms of its impact on the local population to the types of harms that would be considered significant in other topic areas e.g. a noise nuisance or an impairment to water quality.
- 2.3.10 Whilst I am fully supportive and in agreement with this finding, I can also appreciate that it may be difficult for some to comprehend how a building

that rises to 35m in height and features a 75m chimney would not cause significant visual impacts. The facility would undoubtedly be conspicuous from some vantage points and would introduce changes that many people would experience. However it would be remarkably well hidden in the wider landscape and from the majority of vantage points it would be seen in relation to the Trading estate. For this reason the broad make up of views would not change and significant effects would not result.

Acceptability

- 2.3.11 For the purposes of this inquiry, whether or not an impact is classed as significant is perhaps less important than a consideration of 'acceptability' of the changes in views and the weight that the 'harm' caused is given in the planning balance.
- 2.3.12 In this respect, there are a number of appeal cases involving wind energy projects in which the issue of residential amenity has been prominent and in which Inspector's findings are relevant to this development. Whilst the characteristics of the development considered here are different from a wind turbine, there are some similarities insofar as the stack is a tall structure and in respect of there being a compelling need argument against which harms need to be weighed.
- 2.3.13 Commercial scale wind energy projects almost inevitably result in significant landscape and visual impacts due to the introduction of large structures in the open parts of generally rural landscapes where favourable wind resources are to be found. Decision makers are therefore required to balance the impacts upon views with the benefits accruing in terms of renewable energy generation.
- 2.3.14 One particular Inspector, Mr David Lavender, has dealt with a number of cases where there have been visual impacts upon properties in close proximity to wind farms. The most recent assessment by him occurred at the Carland Cross appeal (refer to extract in my Appendix JM4) where he stated at paragraph 23:

“The planning system is designed to protect public rather than private interests, but both interests may coincide where, for example, visual intrusion is of such magnitude as to render a property an unattractive place in which to live. This is because it is not in the public interest to create such living conditions where they did not exist before. Thus, I do not consider that simply being able to see a turbine or turbines from a particular window or part of the garden of a house is sufficient reason to find the visual impact unacceptable (even though a particular occupier might find it objectionable). However, when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive (rather than simply less attractive, but not necessarily uninhabitable) place in which to live.”

2.3.15 That appeal involved as many as two dozen properties less than 900m from wind turbines and as close as 400m for a small group. While these were already 400m from the edge of an existing wind farm, the turbines in the proposal with which the appeal was concerned were to be 100m high; more than twice as high as those that were already installed. Overall the Inspector did not regard the wind farm as failing his tests set out above and the appeal was allowed.

2.3.16 In relation to the EnviRecover case, whilst reiterating that the developments have different characteristics, it can be observed that the development would be considerably smaller in stature, would be static as opposed to rotating and would comprise elements (contemporary profiled metal clad commercial buildings) that are already familiar in views. The closest properties to the EnviRecover development are at a distance of approximately 700m and the majority of properties that would experience views, notably the concentration of properties on the development at Waresley Park, are located considerably further away (in excess of 1.2km).

Overarching National Policy Statement for Energy (EN-1)

2.3.17 National Policy Statement (NPS) EN-1 [CD-NPP14] sets out national policy for energy infrastructure in England and Wales. It has effect on the

decisions made by the Infrastructure Planning Commission (IPC) on applications for major energy developments. The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. Whilst the EnviRecover facility is out with the scope of the IPC, as a major facility which generates energy it shares many of the characteristics of such projects and consequently some of the principles adopted can be seen to be relevant to this case.

- 2.3.18 Of particular relevance to landscape and visual matters is paragraph 1.7.11 which states:

'... the principal area in which consenting new energy infrastructure in accordance with the energy NPSs is likely to lead to adverse effects which cannot always be satisfactorily mitigated is in respect of landscape and visual effects. EN-1 already contains policies which severely limit the prospects for development of large-scale energy infrastructure in the most attractive landscapes and townscapes. Tightening the development consent policies in EN-1 to make it harder for energy infrastructure to be consented which would have adverse landscape or townscape effects would be likely to make it significantly more difficult to gain consent for a range of large-scale energy infrastructure projects.'

- 2.3.19 In the same document at paragraph 5.9.15 states:

The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.

Minimisation of Effects

- 2.3.20 The proposal has been designed in such a way as to reduce landscape and visual effects that could potentially occur due to its size, scale and location. The proposal would be sunk some eight metres below ground level, thereby reducing the extent of visibility of the building. The design of the roof form has been selected to again minimise the building height and to ensure a

best fit with the components of the surrounding landscape. Whilst the stack would be a tall structure, it would have a slender profile and would be constructed using non-reflective light grey coloured materials. It is considered that a light grey colour minimises visibility and relates positively to a wider range of backdrops and a wider range different weather conditions when seen against the sky. The proposal would include a comprehensive landscape scheme which would include provision of new habitat creation (woodland and grassland areas) appropriate to the area to replace that lost as a consequence of construction. The measures outlined succeed in minimising the effects of the proposed development.

2.3.21 NPS EN-1 at paragraph 5.9.8 states:

“ Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the land”

2.4 Consultations before and after Planning Submission

Selection and agreement of viewpoints

Worcestershire County Council

- 2.4.1 Visual receptors can include, but are not necessarily limited to, residents in surrounding properties, users of public rights of way and other routes, travellers on public roads and railways and people at their places of work.
- 2.4.2 It is impractical for an assessment to attempt to record the change in view experienced by every receptor that might be affected and so instead the standard approach in visual assessments is to identify a series of representative viewpoints (VPs) from which to undertake assessment of the range of visual effects that would be brought about by the proposed development.

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- 2.4.3 Viewpoints are chosen to provide coverage of views from a variety of receptor types and to cover a range of distances and directions that is reflective of the range of receptors present. The quantity of viewpoints is generally determined by the number and variability of receptor types and the extent of theoretical visibility.
- 2.4.4 For this project, consultation was held with Worcestershire County Council (WCC) in order to establish agreement upon a representative range of viewpoint locations. An initial list of eighteen viewpoints was submitted as part of the formal EIA scoping exercise for the proposal. These were all accepted by WCC and a further three additional locations were requested, giving a total of twenty-one viewpoints that were included in the assessment.
- 2.4.5 In the Report to Planning and Regulatory Committee – Tuesday 1 March 2011 (**CD-PA8**) it was confirmed that the visual effects of the proposal were fully appreciated by the planning committee prior to their decision to approve the development. At paragraph 252 it is stated that:

“The Director of Planning, Economy and Performance is in little doubt that the proposed EnviRecover Facility will be visible from the surrounding area, with key visual receptors at the residential areas of Waresley Park and Elmley Lovett and at public view points to the south of the site, particularly from several public rights of way. However, beyond these locations, the Director of Planning, Economy and Performance considers that visibility will be limited to glimpsed views of the proposed EnviRecover Facility as the development is generally well located within the landscape, screened by the undulating nature of the land and by trees and hedgerows already well established. Further, the Director of Planning, Economy and Performance considers that the more prominent views of the proposed development would be seen in the context of the existing trading estate and in a landscape where there are other tall structures, such as pylons and radio masts, present on the sky line. A height balloon was flown on the application site to demonstrate the height (35 metres) and location of the Boiler House, which is the highest part of the proposed buildings. The Members of the Council walked around the proposal site and visited viewpoints around

the site and surrounding area (including Waresley Park, Hartlebury and Cutnall Green) to view the balloon.

WAIL

2.4.6 During the dialogue between the parties prior to this inquiry, the rule 6 party Worcestershire Against Incineration and Landfill (WAIL) submitted a list of twenty-six additional viewpoints that it wished to be considered at the inquiry. Having examined the proposed viewpoints it is my view that the additional viewpoints bring little in terms of new aspects of visibility to the table that are not covered by the agreed representative views used in the ES submission and the wider analysis of visibility contained within the LVIA. Nonetheless, I have undertaken an assessment of these additional viewpoints. The assessment is presented within a table in Appendix JM1 alongside the original assessment table from the ES. The locations of the ES viewpoints and WAIL viewpoints are illustrated on Figure JM1 which is contained within Appendix JM1.

2.4.7 As can be seen in Appendix JM1, the findings of the assessment of the WAIL viewpoints are consistent with the findings presented in the ES (refer paragraphs 8.5.15 onwards). In summary, of the twenty six viewpoints, three were found to experience effects of moderate to major significance. All three of these receptors were residential properties (high sensitivity) which would experience a small magnitude of change in views towards the site. The development would be seen in the context of existing industrial development and tall structures and as such the nature of views would not change. The remainder of the WAIL viewpoints would experience visual effects of moderate or less.

Long Distance Vantage points

2.4.8 It will be noted from Figure JM1 that all of the ES viewpoints fall within 5km of the development and that the furthest WAIL viewpoint from the site is at a distance of approximately 3.5km. In their statement of case however, [CD-PI4] (paragraphs 2.4.4 and 3.9) WAIL assert that the proposed facility will be clearly visible from much further afield than the viewpoints chosen, with

specific reference to impacts being felt as far away as the Clent, Abberley, Clee, Malvern and Bredon Hills.

- 2.4.9 These ranges of hills range from around 10km to over 30km away and as such any impact, let alone a significant one, is unlikely to occur by virtue of the deterioration in visibility attributable to distance. For the avoidance of any doubt in this matter, (and as agreed at the pre-inquiry meeting) specific viewpoints in open elevated settings within each of the referenced locations were identified using Zone of Theoretical Visibility (ZTV) mapping (discussed below) in combination with aerial photography and their suitability agreed with WAIL by exchange of e-mail prior to our visiting the sites.
- 2.4.10 The locations of these distant viewpoints are illustrated within Appendix JM2 on Figure JM2a and visualisations are illustrated on Figures JM2b to JM2f. A photograph could not be taken at the Bredon Hills viewpoint due to adverse weather conditions at the time of the visit, but panoramic photographs are presented for the other four views. Wire line images from each viewpoint are presented alongside the photographs to illustrate the scale of the proposed chimney stack in the landscape.

Zones of Theoretical Visibility (ZTV)

- 2.4.11 Figure JM2a shows the viewpoint locations on a plan which includes the ZTV for both the 75m stack and the 35m boiler house. A ZTV map illustrates the potential (or theoretical) visibility of an object in the landscape. The theoretical element derives from the fact that the analysis does not take into account any landscape artefacts such as trees, woodland or buildings. The analysis is made on the basis of topography alone.
- 2.4.12 The results are not intended to show the actual visibility of an object, they are intended to indicate where the object *may* be visible from. As such a ZTV will invariably exaggerate the visibility of a proposal, and it certainly does here. Actual visibility can only accurately be determined by site survey since there are a multitude of local variables that may affect lines of sight.

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- 2.4.13 As can clearly be seen from the photographs, the proposed development is very distant in these generally very broad and panoramic vistas and it is clear that even the 75m stack would be difficult to discern.
- 2.4.14 The only circumstances in which I envisage that the presence of the EnviRecover facility might be apparent from these vantage points would be during specific atmospheric conditions in which cold clear skies lead to a substantial visible water vapour plume forming above the chimney of the facility. In such circumstances (such as a winter anti-cyclone) a plume may be discernible as a feature from a wide area. It should be noted that in such circumstances, any other facility in the region that emits moisture laden gases would also be similarly visible.
- 2.4.15 In terms of impact assessment, these viewpoints would all be *high* sensitivity receptors, since they are on national or regional trails or at prominent vantage points that are within protected landscapes. The magnitude of change experienced when a plume is evident would, depending upon associated light conditions range from *negligible* to *very small*. The consequent significance of effect would be *moderate* at worst. The effect would be transient
- 2.4.16 In paragraphs 8.5.50 to 8.5.55 of the LVIA within the ES [**CD-PA1**] plume visibility is discussed. Plume visibility was modelled by Fichtner as part of the air quality modelling process. This modelling predicted that a plume would be visible for approximately 28% of the time (including the hours of darkness). Average plume length would be 40.6m. The plume would exceed 75m length for only 2.62% of the time.

County Planning Officers comments on the LVIA

- 2.4.17 The Worcestershire County Council Landscape Officer, Jane Patton, commented on the planning application in a memo to Peter Durrans (Worcestershire planning case officer) dated 12th October 2010 [**CD-PA9 ff**]. In this memo a number of queries are raised. Item 1 of the memo stated:

"In general I concur with the choice of viewpoints as set out in Section 8 of Volume 1 of the Environmental Statement and shown on Figure 8.2, Viewpoint Locations. However, I consider that the Applicant may have under-estimated the visual impact of the development from some of these viewpoints. The existing poplar trees are shown as reaching a height of plus 29m. from a ground value of 0m on the Proposed Site Cross Sections (Figure 5.2). However, the BS5837 Compliance Report prepared by Arbtech on the site trees shows these poplars with a height of 22m. The site is fairly level and the difference of 7m cannot be explained through changing site levels. If the Arbtech value is correct, the proposed building will be 7 metres higher in the views than shown at present on the Viewpoint sheets. I would recommend that survey balloons are flown at the proposed building height in order to accurately assess the height of the proposed buildings and clarify this discrepancy".

- 2.4.18 In response to this it was confirmed that the height of 29m for the poplar trees at the eastern edge of the site, as indicated on the cross sections was correct. The height of 22m in the BS5837 Compliance report was found to have been manually estimated. In order to provide additional certainty about the accuracy of this information, two of the trees were re-surveyed using an inclinometer on 22nd October 2010; one tree was measured at 29.6m; the other (the smallest tree in the group) at 27.13m.
- 2.4.19 The Memo also expressed concerns about the choice of cladding materials, the plant species mix and the design of the two ponds proposed as part of the landscaping scheme. The County Landscape officer also requested that some specific trees currently on site should be retained. The officer was comfortable that all of these issues could be suitably accommodated through the imposition of appropriate conditions. Conditions m) and n) as detailed in the Report to Planning and Regulatory Committee [CD-PA8] address these issues
- 2.4.20 Neither the County Landscape Officer nor the County Design Unit Manager objected to the proposal

3.0 MATTERS IDENTIFIED BY THE SECRETARY OF STATE

3.1 Introduction

3.1.1 The Secretary of State has asked to be informed on four matters regarding the extent to which the proposal is consistent with PPG2: Green Belts:

- Whether it is inappropriate development and if so do very special circumstances exist?
- The purposes of including land in the Green Belt.
- Whether it would harm the visual amenities of the Green Belt.
- The degree to which it might contribute to the objectives for the use of land in the Green Belt.

3.1.2 In this section of my evidence, I address the third specific point – whether there would be harm to the visual amenities of the green belt as a result of the development. I also address the related issue of whether there would be harm to the openness of the Green Belt

3.1.3 The Green Belt boundary within the study area is indicated on a figure within Appendix JM1. The West Midlands Green Belt is very extensive. It envelops the West Midlands conurbation and stretches for approximately 80km from east to west and for approximately 65km from north to south. The site of the proposed development lies close to the south-western edge of the Green Belt. Given its extent, the Green Belt encompasses a wide variety of land uses, including areas of industrial/commercial and infrastructure development.

3.1.4 The Green Belt within the study area can be described as an area of undulating topography, which is generally well treed. Major transport routes run north-south (A449 and railway) and lines of electricity pylons also cross the area to the east and west of the Mercia EnviRecover site. Commercial and industrial development is extensive, both at Hartlebury Trading Estate itself, which covers approximately 75 hectares and at six smaller sites scattered across the countryside to the north and north-east. The area is also characterised by the presence of significant waste management operations at

Waresley and Hartlebury Landfills. The pattern of development within this part of the Green Belt is highlighted in Appendix JM3

Visual Amenities of the Green Belt

3.1.5 Green Belts are not defined on the basis of landscape quality, although they may have areas of significant environmental value within them. They are a policy designation, defined on the basis of five purposes:

- to check the unrestricted sprawl of large built-up areas,
- to prevent neighbouring towns from merging into one another,
- to assist in safeguarding the countryside from encroachment,
- to preserve the setting and special character of historic towns, and
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

3.1.6 As stated in paragraph 1.7 of the introduction to PPG2 [CD-NPP4]:

‘..although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection’.

3.1.7 PPG2 also includes at paragraph 3.15 the following statement with regard to visual amenity:

‘The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.’

3.1.8 In order to determine whether visual amenities are harmed, it is first necessary to determine what visual amenities are. **Amenity** is defined in the Concise Oxford English Dictionary as “a useful or desirable feature of a place” and “the pleasantness and attractiveness of a place”. A further definition

sourced from an on-line dictionary resource seems to fit well with the use of the word in a planning context: *“the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors”*.

3.1.9 What is pleasant, desirable or attractive is to a large degree subjective, and in the context of describing the visual qualities of landscapes is given further inherent complexity by virtue of the landscape being a dynamic three dimensional entity that can be viewed from a multiplicity of vantage points.

3.1.10 In seeking to define what is meant by visual amenities, it is important to first identify that PPG2 is certainly not seeking to protect specific “views”. This is on the basis that firstly there is a long established principle that there is no right to a view and secondly that if this had been the intent of PPG2 – then this surely would have been clearly stated.

3.1.11 Visual amenities must therefore be taken to mean the general composition of elements that contribute to the existing environment of the green belt as experienced visually.

3.1.12 Given that we are not concerned with specific views but rather the more general visual experience of a landscape from within that landscape, it is an understanding of the landscape of this part of the Green Belt that is required in order to establish whether visual amenities would be harmed. After all, landscapes are in essence the visual perception of a combination of landform, vegetation cover and buildings.

3.1.13 I wish to make clear that I am not mistakenly conflating the disciplines of landscape assessment and visual assessment here. As is stated in the opening summary (page ix, first paragraph) of the Guidelines for Landscape and Visual Assessment [Refer to extracts in Appendix JM7]:

‘Landscape and visual effects are independent but related issues; landscape effects are changes in the landscape, its character and quality, while visual effects relate to the appearance of these changes and the resulting effect on visual amenity’

3.1.14 This is further expanded upon in paragraph 2.15 (p12) of the same document which states:

‘Visual effects relate to the changes that arise in the composition of available views as a result of changes to the landscape, to peoples responses to the changes, and to the overall effects with respect to visual amenity.’

3.1.15 Fortunately in the UK appraisal of landscapes has been subject to significant consideration and a hierarchical framework of landscape character assessments has been developed for most parts of the UK.

3.1.16 Landscape character is defined as follows: (from ‘Landscape Character Assessment, Guidance for England and Scotland, The Countryside Agency & SNH 2002 [p9]) [An extract of this document can be found in Appendix JM4]

‘Landscape character is defined as a distinct and recognisable pattern of elements that occur consistently in a particular type of landscape. Particular combinations of geology, landform, soils, vegetation, land use, field patterns and human settlement create character. Character makes each part of the landscape distinct, and gives each its particular sense of place.’

3.1.17 Landscape character assessment superseded a previous approach of landscape evaluation, which essentially made judgements on what made one area of landscape 'better' than another and whereby only the most 'scenic' landscapes were valued – this value often being reflected in the designation of protected landscapes (National Parks, AONB's and local landscape designations). In the landscape character approach, all landscapes are seen to have value, and an understanding of character is an important contributor to making informed and appropriate planning decisions

3.1.18 Whilst landscape character and visual amenities are certainly not one and the same thing, visual amenity is clearly a product of the combination of landscape elements that occur in an area. As such landscape character assessment is instructive in determining what the visual amenities of a particular area are and whether the changes in the general composition of the

area that would be brought about by a development would be harmful to that visual amenity.

3.1.19 The EnviRecover site is located in an area that is described by national and county level character assessments as follows:

National Landscape Character

3.1.20 At an England-wide level, 159 National Character Areas (NCA) have been identified by the former Countryside Commission (now Natural England). These are described in The Character of England (Countryside Commission 1996), which is published in eight parts, each covering one region of England.

3.1.21 These NCAs provide background and context to more detailed landscape character assessments produced at county and district level. Their broad geographic reach means that the key characteristics identified as typical of a particular character area may not necessarily apply to a specific location within that character area.

3.1.22 The site of the proposed development falls within NCA 66: Mid Severn Sandstone Plateau. A full description of NCA 66 can be found in my Appendix JM3. The key characteristics of the character area include:

- *Rolling landform with open, arable cultivation dominating a weak hedgerow pattern;*
- *Prominent urban fringes;*
- *Contrasting areas of small fields, and mixed field pattern with more distinctive hedgerows in west;*
- *Parklands and estate conifers and deciduous woodlands;*
- *Patches of heathland;*
- *Extensive mixed woodland together with scattered mining and forest edge housing forming distinctive Wyre Forest landscape;*
- *Stour and Severn valleys with frequent villages and historic bridging towns;*
- *Narrow, steep-sided wooded dingles found throughout the area;*
- *Steep, wooded gorges of the Severn valley;*

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- *Coalfield remnant landscape along the Severn valley;*
 - *The Staffordshire and Worcestershire Canal – an important man-made feature; and*
 - *New town landscape of Telford.*

County Landscape Character

3.1.23 At a county level, the Worcestershire Landscape Character Assessment divides Worcestershire into a series of landscape types which share similar attributes. These are further subdivided into distinct landscape description units (LDU). Landscape types are grouped together in Regional Character Areas, which are broadly similar to the NCAs described above.

Landscape Type

3.1.24 The Hartlebury site lies within the ***Principal Timbered Farmlands*** landscape type, which is an extensive character type across the county accounting for an estimated 25% of the total area. A description of this character type can be found in my Appendix JM3. The key characteristics of the Principal Timbered Farmlands have been defined as follows:

- *Filtered views through densely scattered hedgerow trees;*
- *Predominance of oak trees;*
- *Organic pattern of winding lanes and hedged fields;*
- *Irregularly shaped woods of ancient character;*
- *Dispersed pattern of scattered farmsteads and wayside cottages; and*
- *Rolling lowland with occasional steep-sided hills and low escarpments.*

Landscape Description Unit

3.1.25 The site sits within the ***Elmley Bridge and Hadley Landscape Description Unit***. In terms of the purpose of defining the visual amenities of the local area, it is at this level of character assessment that the most useful information is found, with the broader coverage of national and county areas necessitating a much greater degree of generalisation of features and

consequently being less pertinent to the circumstances found around the proposal site.

3.1.26 The key characteristics of the Elmley Bridge and Hadley LDU are as follows

An area of soft rock, comprising mixed mudstones and sandstones producing a rolling, lowland topography and free draining brown soils. The tree cover comprises relic patches of ancient woodland, often associated with densely scattered hedgerow oaks and streamside tree cover. It is an area of mixed farming with farmsteads and groups of wayside dwellings associated with a moderate to high level of dispersal and a small to medium scale field pattern.

- *elm prominent in hedgerows with thorn hedges on relic commons*
- *three sizeable areas of relic common with geometric pattern of roadside and fields and red brick wayside dwellings (less distinctive in some)*
- *notable red brick building style*
- *frequent areas of irregular fields*
- *inherently pastoral*
- *localised small traditional orchards and hedgerow fruit trees*
- *scattered medium to large blocks of woodland*

Condition

- *moderate intensity land use, locally high associated with a fragmented field pattern*
- *hedgerow tree cover well represented in places, locally poorly represented*
- *locally woodland poorly represented*
- *hedgerow trees of poor age structure*
- *localised high urban impact of industrial estates and urban land use associated with former military depot in the vicinity of Hartlebury*
- *localised high impact of ribbon development at Cutnall Green*

3.1.27 What the description tells us is that the prevailing landscape context consists of a rolling topography subdivided into an irregular fragmented field pattern by

often dense patterns of hedgerows and hedgerow trees with woodland present in patches. These are factors that will dictate the availability of views across the landscape, with more elevated land providing potential for views, low lying land having greater potential to be enclosed and with vegetation being a further factor influencing the range and scope of views. It is notable that specific reference is made, beside the penultimate bullet point, to Hartlebury in terms of the contribution brought by industrial estates. 'High impact' visibility of industrial buildings and land-use is thus part of the status quo.

3.1.28 The existing visual amenities of the part of the green belt that is local to the site are therefore determined by a framework of topography, vegetation cover and built industrial development. The ways in which these elements combine and the extent to which built developments are evident is dependent on the variations in ones position in terms of elevation, the local density of planting and proximity to built development.

3.1.29 This analysis echoes the findings of the LVIA in the ES, which state that:

'..the existing visual amenity of the Green Belt in this area is defined by views across an undulating agricultural landscape, interspersed with some extensive pockets of prominent industrial and infrastructure development. Views are often broken up or screened by tree cover.'

3.1.30 The LVIA goes on to state:

"the proposed Mercia EnviRecover development would be conspicuous at closer distances to the site and also from occasional more exposed vantage points further afield. Generally, the majority of the proposal would be screened by topography and vegetation, with only the stack being visible above this from the wider Green Belt beyond the immediate vicinity of the site. Such views would be set in the context of existing views, which include the following key features:

- Existing industrial development, which is present on six separate sites within the Green Belt, including Hartlebury Trading Estate;*
- Existing landfill operations;*

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- *Electricity pylons, which are ubiquitous in views from this area;*
 - *Tall radio masts to the east of the M5; and*
 - *The well-treed, undulating landform*

3.1.31 The introduction of the proposed EnviRecover facility within the Hartlebury Trading Estate will not substantively alter the visual amenities of the green belt. The greater height of the proposed structures will mean that built development is seen from some new areas and that in views already featuring built development, the development will cause this component of the view to be more prominent. Consequently I acknowledge there is a degree of harm to views from some areas. This harm is both small in degree and limited in its extent and as such in my view does not justify planning permission being refused. I am of the view that overall the visual amenities of the Green Belt are not materially altered.

3.1.32 Extensive assessment of impacts upon views has been undertaken, with a total of forty seven viewpoints assessed within 5km of the site - as has been described in section 2 of this proof of evidence. The assessment work found that for more than 50% of the viewpoints (all of which were either agreed by the planning authority or suggested by the rule 6 party WAIL) the significance of visual impact would be minor or less. Only eleven views were of moderate significance or above and none of the changes to views were judged to be significant in EIA terms. A prevailing theme was that the broad composition and components of views would not change

3.1.33 Care taken in the design of the proposed development has been effective in limiting visual impact and the extent to which visual amenity is altered. Most notably, as has been stated previously, the main building would be sunk some 8m below ground level reducing the height above general ground levels and therefore visibility from the wider area.

Openness of the Green Belt

3.1.34 The concept of openness is central to green belt policy as set out in the introduction to PPG2 [CD-NPP4]:

Intentions of policy

1.4 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

3.1.35 In the context of the EnviRecover site, which is at least in part previously developed land, located on a Trading Estate which pre-dates the Green Belt designation and adjacent to a prominent land fill site, the 'baseline' in terms of openness differs markedly from the scenario that is described in PPG2.

3.1.36 Appendix JM3 illustrates existing development in the Green Belt locally. What can be seen is that within approximately 2.5km of the site there is a relatively intense degree of urbanisation and that the status quo is of tracts of open agricultural land interspersed by substantial 'islands' of large scale built development. As well as commercial buildings, there are two prominent landfill sites and notable leisure and retail developments (including the Moorlands Farm Fishery / Café and Whitelenge Garden Centre). The area is crossed by often prominent communication infrastructure (roads, rail, power lines) and in the wider Green Belt landscape (within 5km), there are tall radio masts and recently consented wind turbines

3.1.37 In terms of the immediate site, the existing development plot at Oak Drive is fully enclosed by development such that it is not visible from the open countryside surrounding the Trading Estate at all. It is in fact only visible from Oak Drive itself, and from the southern flank of the Waresley landfill site

3.1.38 If the intent is to *keep* land open, then it is fair to say that for this site that the land is not open – and in the lifetime of the Green Belt designation, never has been.

3.1.39 In order to assess the extent to which the proposed development would harm openness, it is useful to consider openness in two ways, *Actual* openness and *Perceived* openness

Openness – Actual

3.1.40 With regard to actual openness there are two aspects that I consider relevant to this case. The first is that ‘openness’ requires a degree of physical intervisibility, and the second is what the planning status of the proposed site indicates will happen in the future.

Intervisibility

3.1.41 The development plot that the EnviRecover development would occupy is far from open. It is enclosed to the north by the prominent landform of Waresley landfill site and on all other sides is surrounded by large buildings and other ancillary elements of the Hartlebury Trading Estate. As such the site is not visible the open countryside surrounding the Trading Estate and the open countryside cannot be seen from within it. There is a strong sense of enclosure and containment. In this respect any development on the site will not materially affect the actual openness of the wider Green Belt.

Planning status

3.1.42 A parcel of land can only be considered to be open when it is not only physically free of buildings and other development but when the clear prospect of a development occurring does not exist. As set out in section 2.3 of Nick Roberts’ proof of evidence, the principle of building out the EnviRecover site is firmly established in Green Belt policy and there is an inevitability that a well located and serviced building plot such as this will be constructed there at some time, regardless of whether the EnviRecover facility is consented. Consequently any actual reduction in openness attributable to building this particular facility can have very limited harm to the openness of the site.

Openness – Perceived

3.1.43 A landscape that contains built forms but within which there is also undeveloped countryside can be perceived to be open to varying degrees

depending on one's vantage point within it and the extent to which there is natural mitigation of views of development. Such mitigation is generally provided by variations in topography, which can allow views out over development or may physically shield structures; and by the presence of vegetation, which can also be effective in screening elements of the view. Where there are enough vantage points from which a large proportion of the view is not developed, an area can be perceived as being much more open than reference to a map may indicate is the case.

3.1.44 Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity (extracts provided at Appendix JM7) describes this mitigation through the presence of landform and vegetation as being one of the factors that influence the '*visual sensitivity*' of the landscape. The type of landform and distribution of vegetation influence the probability of change in the landscape being highly visible.

3.1.45 Thus flat landscapes with large scale field patterns and an absence of tree cover are inherently more visually sensitive than are landscapes with rolling terrain and extensive mature tree cover – within which development can more readily be concealed.

3.1.46 The Green Belt in proximity to the development site contains a high concentration of development, but this is to a large extent absorbed as a consequence of mitigation of the type described. The Green Belt is not particularly open in absolute terms, but from a reasonable proportion of the area it is possible to experience what seems to be relatively 'unspoilt' and 'open' countryside.

3.1.47 The EnviRecover facility would sit within a well-established Trading Estate context and alongside a landfill site. It would be regularly viewed in direct juxtaposition with these elements although some elements, notably the stack, would also at times be viewed in isolation from them due to their greater height.

3.1.48 In views from relatively elevated vantage points such as along the corridor of the A449 and Waresley Park, the current perception will be the clusters of built development can be seen set within a very wide and open landscape

vista. If the EnviRecover facility were to be constructed, my view is that this overall perception would not change.

3.1.49 I conclude in a similar manner to when addressing the effects upon the visual amenities of the Green Belt earlier. The introduction of the proposed facility within the Hartlebury Trading Estate would not substantively alter the openness of the green belt. The greater height of the proposed structures would mean that built development would be seen from some new areas. In views that already include built development the development would in some cases cause this built component of the view to be more prominent. However I do not consider that these minor increments of change would harm the general perception of openness.

3.1.50 There would be no 'actual' change to openness either, due to the lack of intervisibility and the inevitability of the site being built out given its planning status and favourable location.

4.0 OTHER LVIA MATTERS

4.1 Introduction

- 4.1.1 In addition to the matters raised by the Secretary of State, a number of additional matters / grounds of objection have been raised by third parties and in particular by WAIL in their Rule 6 Statement [CD-PI4]. These are listed below and addressed in turn

4.2 WAIL Issues related to Landscape and Visual Effects

- 4.2.1 The matters raised by WAIL in their Rule 6 statement are as follows.

Visual effects, including upon distant receptors

- 4.2.2 In paragraphs 2.4.4 and 3.9 respectively of their Rule 6 statement WAIL assert that *“the proposed plant will be clearly visible from many areas nearby and at a distance including Clent, Malvern, Abberley and Bredon Hills and will appear as a huge alien feature on the landscape”* and *“the enormous size and scale of the proposed development would be clearly visible at some distance from AONB Malvern Hills, Clent and Clee Hill”*.
- 4.2.3 In section 2 of my proof I have described the visual impact assessment and the fact that twenty one viewpoints within 5km of the development were assessed prior to submission and that a further 26 viewpoints put forward by WAIL have now also been assessed in preparation for the public inquiry. The results of the assessment confirm that whilst visible in some views, there would not be significant adverse effects – largely as a consequence of the fact that the development would be seen in the context of existing built development on the Trading estate and that the broad composition and components of views would not change.
- 4.2.4 With regard to distant views, five vantage points that correspond to the upland areas referenced have been agreed with WAIL, visited and four of the views photographed (photographs of the fifth view were not taken due to adverse weather at the time of the visit). Computer generated wire line visualisations have been prepared in order to illustrate a chimney stack of the height and

diameter proposed in the location and at the scale as it would appear in each view. My finding in relation to these views, as has already been set out in section 2 of my proof, is that they simply confirm that the development would be barely discernible.

4.2.5 In respect of AONB's it should also be noted that Natural England did not object to the proposal – on the basis that it would not adversely affect any statutorily protected landscapes.

4.2.6 On the same topic, National Policy Statement (NPS) EN-1, which as stated earlier in the proof is relevant to IPC projects but nonetheless is relevant says:

“the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.”

Impacts upon the Green Belt

4.2.7 WAIL has indicated in their Rule 6 statement that they believe that the development would conflict with Green belt policy. Green belt issues have been dealt with in the preceding section of my evidence

4.3 Other Third Party Issues

Setting of Waresley House

4.3.1 Wychavon District Council (WDC) in its letter to the Inspectorate of 15th August 2011, sets out an objection to the application by virtue of its impact on the setting of Waresley House Mansions (formerly St Gilberts School), a Grade II* Listed Building. The letter criticises the planning application for not having undertaken an assessment in the context of PPS5 policies HE6 and HE7 and also indicates that the submitted ES does not properly appraise the effects on the setting of this feature.

4.3.2 Mr Roberts addresses the policy issues raised in section 9.8 of his proof of evidence. I have examined the specific issue of setting and find as follows:

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- 4.3.3 The building with which WDC are concerned is St Gilbert's School, Waresley House. A description on the website <http://www.britishlistedbuildings.co.uk>, sourced from English Heritage, describes the property as follows:

Small country house, now school. Late C18 with early and late C20 alterations. Brick with stone dressings, low pitched hipped stone slate roof. Main front to south. Three storeys with modillioned cornice to blocking course, sill strings to ground and first floors; seven bays, wide central three-bay pedimented break forward with glazed oculus in tympanum; glazing bar sash windows (mostly replaced by late C20 top hung casements) with stone voussoirs and keystones; central first floor Venetian window and Diocletian window above it on second floor, where the windows are of reduced proportions. Segmental-plan Doric portico with four columns and Doric frieze, approached by steps, glazed door with overlight and flanking windows. U-plan to rear. Interior: entrance hall mostly reconstructed c1912, with Ionic columns to main doors.

- 4.3.4 A site visit and reference to aerial photographs confirm that the setting of Waresley House is dominated to the north, east and west by suburban residential development. Research has revealed this to have been approved in the late 1980's as enabling development for the restoration and repair of the listed building, which had by that time fallen into a state of disrepair. This modern suburban development was situated on former school grounds which consisted of a range of former school buildings and hard standings. The restored and repaired building has also been developed for residential purposes and now consists of a number of individual apartments. Land to the south of the Waresley House, which relates to the principal façade of the building, was excluded from the residential development and remains as an open area of parkland with some mature trees.

- 4.3.5 The EnviRecover site is located over a kilometre to the east of Waresley House. Views to the proposed development would be available only from the windows of apartments on the east side of the building. Views from the gardens at ground level immediately around the building would be screened

by the modern houses and associated garden boundaries, although views towards the development site can be gained from the parkland area.

- 4.3.6 The possibility that views towards Waresley House from the surrounding landscape are available and that they could reveal a more evident intact setting has also been explored. My finding was that even in close views from immediately south of the remaining parkland, the relationship between parkland and house has become blurred by contemporary planting. No clear views were available from further afield.
- 4.3.7 The relationship between Waresley House and the parkland retains a degree of integrity in so much as it is possible to understand that the parkland must be a fragment of what would have been a larger area of land associated with a status building. It is difficult to see however that the proposed would do anything to erode what remains of the setting. English Heritage raised no objection to the proposals when consulted on the EnviRecover application which suggested that they were of a similar view. This has been confirmed recently in connection with a consultation response that English Heritage provided in relation to another development proposal
- 4.3.8 In June 2011 an outline planning application was submitted to Wychavon District Council seeking consent to build eighty houses on the parkland to the south of Waresley House (Application reference W/11/01175/OU). In their consultation response English Heritage made the following comments (with my emphasis added):

The application site occupies an open field immediately adjoining the grade II Waresley House and which formerly comprised its private park. The setting of the listed building has been seriously compromised in recent times by construction of a suburban style housing estate close to the rear and flank elevations of the mansion house. The parkland beyond the ha ha (now inappropriately surmounted by a modern screen of silver birch trees) has become separated from the house and, apart from a few scattered mature trees, now exhibits little of the character of an historic landscape. The setting of the listed building has now become so degraded it would be*

difficult to sustain an objection on heritage grounds to further development nearby. English Heritage would suggest nonetheless that if your Council is minded to grant planning permission for this development you require the layout to retain an open avenue focusing on the south elevation of the listed building. This would preserve a token element of its original presence commanding a view over the park.

4.3.9 The planning application was refused, with WDC citing impact upon the setting of Waresley House as one of its reasons for refusal. It would appear that the officers or members chose to ignore this clear advice from the Government's advisory body for the historic environment.

4.3.10 Nonetheless, this expert view on the status of Waresley House endorses my view that the assessment contained within the Cultural Heritage section of the Environmental Statement [CD-PA1] correctly identified that the only remaining valuable element of the house's setting was its relationship with the adjacent parkland to the south and that it was entirely correct in concluding that:

*“the changes resulting from the proposed development would be **negligible** in magnitude and as such the effect upon the setting of the house would also be **negligible**”.*

5.0 CONCLUSIONS

Landscape and visual impact

- 5.1.1 In my evidence I have presented the findings of a Landscape and Visual Impact Assessment which found that there would not be significant effects on landscape fabric, landscape character or visual receptors. This is in large part due to the context of a long established trading estate in which the proposed development would sit. The presence of prominent built development is a part of the existing status quo, and the proposed development would not alter this. The development, which has been designed so as to reduce visual effects, would not cause the broad composition and components of existing views to undergo significant change and the visual amenity of receptors would consequently not be significantly affected.
- 5.1.2 The assessment was undertaken on the basis of viewpoints agreed with the local planning authority. Further viewpoints suggested by the rule 6 party have been assessed within my evidence and alter the findings of the visual assessment. A number of long distance viewpoints have also been considered in response to statements made by the rule 6 party and reveal that the development would be difficult to discern.
- 5.1.3 I have noted that for the purposes of this inquiry, whether or not an impact is classed as significant is perhaps less important than a consideration of 'acceptability' of the changes in views and the weight that the 'harm' caused is given in the planning balance.
- 5.1.4 In this respect, I have highlighted appeal findings in relation to wind energy developments, which I believe to be relevant to this development in so much as they address effects upon visual amenity of dwellings. In one such example at Carland Cross, development in closer proximity to dwellings and involving taller and moving structures in a less developed setting the inspector found that was not sufficient reason to find the visual impact unacceptable
- 5.1.5 Measures have been taken in the design of the proposed development which I believe have succeeded in minimising its effects

5.1.6 The landscape and visual effects of the proposal were fully appreciated by the planning committee prior to their decision to approve the development, with the Members of the Council having visited the area during an exercise to demonstrate the height of the facility using a balloon.

5.1.7 Neither the County Landscape Officer nor the County Design Unit Manager objected to the proposal

Matters raised by the Secretary of State

5.1.8 The Secretary of State has asked to be informed on four matters regarding the extent to which the proposal is consistent with PPG2: Green Belts:

5.1.9 I have addressed the third specific point – whether there would be harm to the visual amenities of the green belt as a result of the development and have also addressed the related issue of whether there would be harm to the openness of the Green Belt

5.1.10 My finding is that the introduction of the proposed EnviRecover facility within the Hartlebury Trading Estate would not substantively alter the visual amenities of the green belt, although I acknowledge there would be a degree of harm to views from some areas. This harm would be both small in degree and limited in its extent and as such in my view does not justify planning permission being refused. I am of the view that overall the visual amenities of the Green Belt would not be materially altered.

5.1.11 With respect to openness, my finding is that existing development in the Green Belt locally is extensive. In terms of the immediate site, the existing development plot at Oak Drive is fully enclosed by development such that it is not visible from the open countryside surrounding the Trading Estate at all. It is in fact only visible from Oak Drive itself, and from the southern flank of the Waresley landfill site

5.1.12 If the intent is to keep land open, then it is fair to say that for this site that the land is not open – and in the lifetime of the Green Belt designation, never has been.

5.1.13 I have considered the proposed development in terms of both *Actual* openness and *Perceived* openness.

5.1.14 With regard to actual openness I considered that the lack of physical intervisibility with areas beyond the site, and the strong likelihood that the site will be built out both mean that the development can have very limited harm to the openness of the site.

5.1.15 In respect of perceived openness I conclude in a similar manner to when addressing the effects upon the visual amenities. The introduction of the proposed facility within the Hartlebury Trading Estate would not substantively alter the openness of the green belt. The greater height of the proposed structures would mean that built development would be seen from some new areas. In views that already include built development the development would in some cases cause this built component of the view to be more prominent. However I do not consider that these minor increments of change would harm the general perception of openness.

Other matters

5.1.16 A number of additional matters have been raised by third parties, notably by the rule 6 party WAIL. These mostly relate to matters upon which I have already concluded (long distance views, impacts on Green Belt).

5.1.17 Wychavon District Council have set out an objection to the application by virtue of its impact on the setting of Waresley House Mansions (formerly St Gilberts School), a Grade II* Listed Building. I have given consideration to the landscape setting and found myself in agreement with both English Heritage (who describe the setting as being already *seriously compromised* by residential development undertaken in the 1980's) and the Environmental Statement, which found that impacts would be negligible.