



**Land at Hartnolls Farm, Tiverton**

**Landscape Architectural  
Rebuttal Statement**

Prepared on behalf of:

**Waddeton Park Ltd**

PINS Ref: APP/Y1138/W/22/3313401

GBC Ref: 22/P/O1175

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# 1. INTRODUCTION

## 1.1. PERSONAL BACKGROUND

- 1.1.1. My name is Andrew Williams. I am a qualified Urban Designer, Chartered Landscape Architect and a founding Director of Define; a Town Planning, Urban Design and Landscape Architecture practice.
- 1.1.2. Since gaining my first degree and post graduate diploma in Landscape Architecture from the University of Central England in 1996 I have worked as a landscape architect for Lovejoy in Birmingham, becoming Design Director in 2005. I gained a postgraduate diploma (distinction) in Urban Design from Oxford Brookes University in early 2005. I was appointed Managing Director of Capita Lovejoy's Birmingham Office in 2008. In March of 2011 I, along with my colleague Mark Rose, founded Define, which has since grown to around 30 professional staff (including town planners, urban designers, landscape architects and architects).
- 1.1.3. All of my professional work as a landscape architect and urban designer has been at the interface between development and its context, often in locations that are sensitive due to their landscape, townscape and visual qualities.
- 1.1.4. I have audited more than 200 scheme (from both an urban design and landscape architectural perspective), either during their determination or following refusal, and have given evidence at over 90 planning appeals. I have significant experience of carrying out landscape and visual impact assessment and understand current best practice in regard to this activity.
- 1.1.5. I worked alongside the author of the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition (LI and IEMA) in 2013 to provide roadshow events to explain to Landscape Institute members the correct function of GLVIA and how it should be used, and therefore understand this process well.
- 1.1.6. Define was instructed by Waddeton Park Ltd initially in early 2020 to assess the Site and its context, create a development concept for the site and subsequently prepare the planning application material (Application Plans, Design and Access Statement and Landscape and Visual Appraisal). I led the Define team in these activities and therefore know the Site and the Appeal Scheme well.

- 1.1.7. This rebuttal statement addresses landscape and visual related matters raised by Mr Antony Aspbury in his proof of evidence (no date /ref), in combination with variation to this proof of evidence as set out by Mid Devon District Council by letter ref DS/SJS/1883 dated 23 August 2023.
- 1.1.8. This statement seeks to assist the Inspector by 1. Identifying the residual landscape and visual points made by Mr Aspbury, 2. Identifying what the undisputed LVA states in regard to these points and 3. Provides an overall analysis of the points made.
- 1.1.9. The evidence which I have prepared and provide for this appeal (reference APP/Y1138/W/22/3313401) is true and is given in accordance with the guidance of my professional institution (The Landscape Institute), and I confirm that the opinions expressed are my true and professional opinions.

## **2. REBUTTAL STATEMENT**

### **2.1. MR ASPBURY'S (VARIED) EVIDENCE**

- 2.1.1. Mr Aspbury's proof of evidence raised landscape and visual related points at his paragraphs 3.3, 3.4, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8 and 10.7.
- 2.1.2. Mid Devon District Council's letter of 23 August 2023 varies or removes a number of these paragraphs by removing paragraph 3.4, the final two sentences of paragraph 6.6, the removal of paragraph 6.7 and 6.8 and the final four words of paragraph 10.7 ('and be visually intrusive'). The Additional Statement of Common Ground conforms that the findings of the LVA are not disputed and that the Council do not seek to rely on visual impacts as constituting a reason for refusal (the original Statement of Common Ground having previously confirmed that impacts on landscape character were no longer being advanced as a reason for refusal).
- 2.1.3. The residual landscape and visual related points raised by Mr Aspbury are therefore at his paragraphs 3.3 and 6.3–6.6. I consider these below with a comparison against the agreed Landscape and Visual Appraisal, with a concluding assessment of my own.

### **2.2. COMPARISON WITH SUBMITTED LANDSCAPE AND VISUAL APPRAISAL**

#### **AA Paragraph 3.3**

- 2.2.1. Mr Aspbury describes at his paragraph 3.3 that along the road between Tiverton and Halberton the 'hill' forms an important break between these settlements.
- 2.2.2. The submitted LVA addresses existing topography at 2.2 (pages 14 and 15) which makes it clear that the significant topographical change takes place to the north and south of the wider study area creating a large bowl within which Tiverton, the appeal site and Halburton is contained. Shallower ridgelines are recognized within the LVA (the hill Mr Aspbury refers to is one of these) but this is not a notable landscape feature. The LVA, at 3.1 (page 24), goes on to identify a series of ridgelines, with ridges 1 and 4 being the more significant topography to the north and south, and ridgeline 2 reflecting the hill Mr Aspbury refers to. The LVA categorises 'Ridge 2' as a low-lying ridgeline with a gentle topography that restricts some views of the site from the north and north-west.
- 2.2.3. An important factor is that the 'hill' he refers to is part of the East Tiverton allocation (see LVA Figure 3 page 15) which would envelope this topography to its hilltop, east and west

facing slopes with development, thereby removing the claimed role of the hill in acting as separation between Tiverton and Halberton.

2.2.4. It is recognised that the precise disposition of the urban extension into this area is not yet fixed, however both the adopted (2018) and consultation draft (2019) SPDs for this area demonstrates that the Council intend for this topographic feature to be developed on the top and east/west slopes of the hill at a density of up to 50dph (see Inset 1 and 2 below).

2.2.5. To assist in understanding the position of the 'hill' Mr Aspbury refers to, I have added the Ordnance Survey hilltop contours taken directly from a VectorMap CAD data file and overlaid this on the extracts of the adopted and draft consultation SPD at Insets 1 and 2 below. The hilltop contour to the north of Post Hill is at 110m AOD and to the south of Post Hill 105m AOD.

2.2.6. This clearly demonstrates that the town is planned to extend notably eastwards of the 'hill' Mr Aspbury refers to.

**Inset 1 – Page 72 of the Adopted Tiverton Eastern Urban Extension Masterplan SPD (J une 2018)**



**Inset 2 - Figure 29 of the December 2019 Draft Tiverton Eastern Urban Extension**



Fig.29 Illustrative Framework Plan (see figure 35 for open spaces plan)

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2.2.7. My assessment is that the topographical change between Tiverton and Halberton exists as a modest landscape feature at present but is not particularly notable and does not act as a feature of separation between these settlements (a quality that is not recognised in the landscape characterisation of the Lowland Plains LCA) to any notable degree now and will not in the future baseline envisaged by the East Tiverton allocation and SPD.

**AA Paragraph 6.3**

2.2.8. Mr Aspbury goes on to describe in his paragraph 6.3 the hill he identifies at paragraph 3.3 as justifying the selection of the settlement limit of Tiverton due to the contrast in the character and appearance of the land to the east and west of this hill.

2.2.9. The submitted LVA does not recognise this claimed difference in character east and west of 'Ridge 2' (as this hill is identified in the LVA). Moreover, the rolling nature of this landscape

character area (see first bullet under 2.3 page 19) is simply a feature of the 3E Lowland Plains LCA.

- 2.2.10. The assertion of the hill being a change in character supporting the settlement boundary is also not supported by the Tiverton East allocation or SPD, which clearly demonstrates the intention for this allocation to be positioned to the west, east and on top of the 'hill' in question.
- 2.2.11. My assessment is that the 'hill' referred to is simply a subtle feature of the landscape character of this area and does not perform the claimed role of separating different landscape characters. Furthermore, the East Tiverton allocation will substantially change the nature of this rolling hill to become part of Tiverton to the east, west and top of its topography. I do not see any justification for this topographical change having an influence on the acceptability of the appeal scheme.

#### **AA Paragraph 6.4**

- 2.2.12. Mr Aspbury explains in this paragraph that the site includes countryside at present and this possesses some intrinsic character and beauty.
- 2.2.13. The LVA (at Table 2.1, page 21) identifies the landscape character to have a low to medium value, a low susceptibility and a low to medium overall sensitivity.
- 2.2.14. My assessment is that the site is in countryside, and that this does have some value. However, this value (at low to medium) is relatively low and that is a key distinction from the valued landscapes which the NPPF seeks to protect (at 174 a). It is clear that neither the site or its immediate context forms part of a valued landscape.

#### **AA Paragraph 6.5**

- 2.2.15. Mr Aspbury explains in this paragraph that the Business Park represents an isolated anomaly rather than determining the character of the area.
- 2.2.16. The LVA sets out at page 21, that whilst built form is no longer agricultural it shares similarities with nearby farm complexes. The published LCA guidance (page 19) identifies large scale farmsteads as being a part of the landscape character.
- 2.2.17. My assessment is that the Business Park is not an isolated anomaly, it is part of the character of the landscape. It is not as typical as other scattered farmsteads, and in that regard has a negative or at best neutral role in the landscape character of the local area.



## **AA Paragraph 6.6**

- 2.2.18. Mr Aspbury reasserts in this paragraph that the 'hill' is used by the Tiverton SUE as a key starting point and that the hedgerow provides a lucid defensible boundary complementing the topography.
- 2.2.19. The LVA, as explained above, recognises the rolling hills within this LCA (specifically Ridge 2) but not as an element that creates a distinction in character, it is simply a characteristic of the landscape, as supported by the published LCA. It also (at Figure 3) identifies how the Tiverton SUE relates to this topography, which I illustrate further at Inset 1 and 2 above.
- 2.2.20. My assessment is that the weight given to the 'hill' and hedgerow structure as forming a lucid settlement boundary is misplaced. The Tiverton SUE clearly intends to extend across all parts of the 'hill' and it will not perform a function as a boundary, it will simply be a feature of the built up area in this location, that is consistent with the existing built up nature of Post Hill (being positioned at a higher level). I would suggest a more logical analysis would identify the connection between the eastern facing slopes of the SUE with the Business Park to create a long-term boundary to the settlement.

## **2.3. CONCLUSION**

- 2.3.1. Mr Aspbury's residual comments on landscape and visual matters are contained within his paragraphs 3.3, and 6.3 to 6.6.
- 2.3.2. The points made are:
1. the 'hill' between Halburton and Tiverton forms a distinction between two contrasting character areas to the east and west of the 'hill' and that this constitutes an important break between these settlements (3.3 and 6.3);
  2. that the site is countryside and possesses some intrinsic character and beauty (6.4);
  3. that the Business Park is an isolated anomaly in the landscape (6.5);
  4. that this 'hill' in combination with the existing hedgerow structure and lanes create a lucid and logical long-term boundary for the settlement, taking into account the Tiverton SUE (6.6).
- 2.3.3. My analysis of the LVA (the findings of which are not in dispute), finds that (relative to the points above):

1. the 'hill' is a shallow ridgeline that sits within the more significant topographic change to the north and south of the Site. It is part of the Rolling Hills that exist within the Lowland Plains LCA and is not a division between different character areas (2.2 and 3.1 of the LVA);
2. the Site is part of the Lowland Plains LCA which has a low to medium value and sensitivity and is within countryside (Table 2.1 of the LVA);
3. the Business Park appears as part of the landscape, it is not an isolated anomaly (page 21 of the LVA);
4. The 'hill' does not form a logical settlement boundary –allocated development takes place on the top of the hill and to its eastern and western slopes (Figure 3 of the LVA).

2.3.4. My overall assessment finds that the emphasis given by Mr Aspbury to the role of the 'hill' in both the characterisation of the landscape and the justification of the settlement boundary (in combination with the Tiverton SUE) is misplaced.

2.3.5. The 'hill' is a subtle feature of the landscape, not a marker of separation, and the planned extension of Tiverton (as set out in the adopted 2018 SPD and the draft 2019 SPD) clearly envisages development at a reasonably high density to the top of the hill and its east and west slopes. The 'hill' therefore becomes a part of the town, in a way that is common to many towns. It will not be a separating feature, and the town will have an eastern facing aspect that undermines the position of the east of then hill being part of a lucid and logical boundary. Instead, the eastern facing developed part of the hill will have a close visual and physical relationship with the Business Park and the Site.

2.3.6. I find no reason or justification to depart from the undisputed conclusion of the LVA, which I repeat below (the final paragraph of 6.1 of the LVA – my emphasis in bold):

*Although the proposed development would become a new feature of some local views, and alongside the proposals of EUE, will alter the existing landscape character, the scheme has been developed to ensure that key landscape features are retained, to ensure some continuity to landscape character and baseline views. The proposals described in chapter 4 ensure that the proposed development, while visible as a new landscape feature, will be **well integrated to the existing landscape character, and***

*will not appear out of place. While this LVA concludes that the proposals will result in a change to the landscape character and views experienced by sensitive receptors, assuming careful detailed design of the exact orientation, height, materials and colour of the proposed development, and installation of a well designed and managed landscape framework, the overall effect could be neutral.*