

# Landscape and Visual Proof of Evidence

## Lea Castle Quarry, Wolverley

### Summary Proof of Evidence

#### On behalf of NRS Aggregates Ltd.

Date: 08/10/2024 | Pegasus Ref: P24-1608

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# 1. Summary

## Background and Scope of Evidence

- 1.1. My name is Neil Robert Furber. I am a Landscape Director at Pegasus Group. I have over 25 years' continuous experience as a Landscape Architect working on a wide variety of projects across all the major development sectors including extensive experience of the landscape design and assessment of mineral developments. I have acted as a landscape expert witness on many occasions for both developer and Local Planning Authority clients since 2002.
- 1.2. The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I also confirm that the opinions expressed are my true and professional opinions.
- 1.3. My evidence addresses two of the reasons for refusal, namely reason 2 covering the claimed unacceptable impact on the openness of the Green Belt, and reason 3 covering the claimed unacceptable impact on residential amenity from a visual outlook perspective.
- 1.4. My evidence has been informed by review of the submitted material, site visits and preparation of updated visualisations and an updated cumulative assessment. Reference is made to best practice guidance and examples of permitted quarry schemes that are similar to the Proposed Development that is the subject of this Appeal.
- 1.5. I have undertaken an assessment of the revised scheme in light of the ES Addendum Chapter 4 that I authored and given that it is unclear if the revised scheme will be accepted by the Inspector, my evidence concerns the original scheme with separate reference to the revised scheme where it is relevant to do so.

## Reason for Refusal 2: Impact on the Openness of the Green Belt

### *Background*

- 1.6. Mr Toland sets out why the Appellant considers that the Proposed Development would be appropriate development in the Green Belt and this opinion accords with the those expressed by the Head of Planning and Transport in the Committee Report. Central government advice in Planning Practice Guidance also recognises that a proposal to restore land to its original, equivalent, or improved state is a relevant consideration.

### *Green Belt Purposes*

- 1.7. Worcestershire County Council (WCC) contend that the Proposed Development would result in a) "*unrestricted sprawl*" and c) "*encroachment*" in conflict with two of the five NPPF purposes of the Green Belt.
- 1.8. In terms of Green Belt purpose a), the proposed development is not connected to a large built-up area (and therefore cannot lead to the sprawl of any such area), and neither cannot it be described accurately as itself being built development, that would read as sprawl of an existing built-up area.

- 1.9. The Green Belt purpose c) is to assist in safeguarding the countryside from encroachment. Given that mineral development may in principle be appropriate, provided it preserves openness, in terms of encroachment, it is relevant to consider the spatial extent of the proposed extraction. Progressive restoration would be contained by the use of existing topography, existing woodland, proposed temporary screen bunds and new planting.
- 1.10. In terms of the Wyre Forest Green Belt Review, the Appeal Site would remain in the Green Belt and is located within a land parcel that has been assessed by Wyre Forest to be of comparable sensitivity to potential release from the Green Belt as other parcels nearby. The parcels that the appeal site comprises part of have been assessed to be less sensitive than the majority of land to the west, northwest and southwest of Kidderminster. In this context I strongly disagree with the WCC assertion that the Lea Castle mixed use development to the east of the Site “heightens the functional requirements of the Appeal Site to protect the Green Belt from encroachment and sprawl”.
- 1.11. Lord Carnwath stated with respect to a Limestone Quarry extension that would be more visible and for a longer period than the Appeal Site:

***“...minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.”*** (para 90 in the Supreme Court judgment in *R (Samuel Smith Old Brewery (Tadcaster Ltd) v. North Yorkshire v. North Yorkshire CC* [2020] UKSC 3).

### ***Spatial Component of Openness***

- 1.12. The area of land where mineral is being extracted at any one time within the operational phase would be less than 10 hectares. The western half of the Site (comprising Phases 1-3) and over half of the extraction footprint, would be extracted and fully restored within 4 to 5 years..
- 1.13. The temporary plant site area, as the only part of the Appeal Site containing built development, is approximately 3.8 hectares in size and requires a short haul road of less than 100m in length between Wolverley Road and the ramp that connects to the plant site at a lower level. The temporary access road and plant site represents a relatively small component of the wider undeveloped landscape.
- 1.14. The temporary plant site buildings are modest in scale and would comprise three portacabins to accommodate the site office and welfare facilities. Other structures within the plant site area comprise the mineral processing plant, wheelwash, weighbridge, cylinders (tanks) for silt management and 12 parking spaces.
- 1.15. In conclusion I assess that the extraction activity and progressive restoration of the Appeal Site would not materially affect the spatial component of Green Belt openness particularly given the minor and temporary nature of any built development and long term, as a restored parkland landscape with enhanced native planting and public access.
- 1.16. In relation to the revised scheme, the proposed reduction in processing plant height from 12m to 6.3m, a reduction in plant area footprint from 2,752m<sup>3</sup> to 751m<sup>3</sup> would all represent operational phase improvements compared with the original scheme which would even further reduce the materiality of any effect on the spatial component of openness.



## ***Visual Component of Openness***

- 1.17. The plant site is located on lower ground within the Appeal Site and is set a minimum of 7m below existing ground levels. The Plant Site would be surrounded by temporary screen bunds up to 5m high that would be grass seeded with 1:3 outer slopes. These mitigation measures would ensure the plant site is screened from publicly accessible locations in the surrounding landscape.
- 1.18. In relation to the revised scheme, the proposal is to reduce the processing plant height from 12m to 6.3m, and reduce the plant area in footprint from 2,752m<sup>3</sup> to 751m<sup>3</sup>.
- 1.19. Views of increased vehicle movements turning into and out of the Appeal Site would be confined to a localised geographic area on the Wolverley Road. Views of traffic turning into and out of the Site from the east would be restricted by landform characteristics, the perimeter wall along Wolverley Road, and planting within the curtilage of Broom Cottage. It is acknowledged that views of dump trucks would be noticeable from a short section of Wolverley Road to the east of the access, however the Transport Assessment concludes there would not be a material increase in traffic as a result of the Proposed Development.
- 1.20. Predicted publicly accessible views of the Proposed Development components that comprise the perimeter screen bunds and mineral extraction has been assessed from representative viewpoints in the landscape surrounding the Appeal Site.
- 1.21. In summary, the effects upon visual amenity from locations to the east and south would be Slight to Minimal Adverse, principally from the partial visibility of temporary screen bunds associated with Phases 4 and 5 to the east and where views from the south would be predominantly screened by a wall and mature tree planting along Wolverley Road. Users of a localised section of public bridleway to the north would experience up to Moderate Adverse effect on visual amenity during the operational phase, however views across the wider landscape would be maintained. Finally, receptors to the west, where intervening landform and retained woodland screen the Appeal Site, would typically experience a Neutral to Very Slight Adverse temporary effect upon visual amenity.
- 1.22. Views from within the Appeal Site would be restricted to a section of a public bridleway (626(B)) that runs for approximately 350m between the eastern and western phases of the Proposed Development and (625(B)) for approximately 350m along the northern boundary of the Site, and an approximate 300m long section of public footpath to the west (624(B)) that would require temporary diversions during the operational phases. The diversions during Phases 1 and 2 would maintain alternative, largely unrestricted views across farmland, with temporary screen bunds forming low-level new elements in the view. Views of the wider landscape to the west and by Phase 3, the landscape along the original footpath alignment would be restored. Screen bunds and straw bales would temporarily reduce views of the wider landscape to the west of the bridleway, however except for a narrow portion of views to distant countryside above Wolverley and Fairfield, baseline views are already foreshortened by woodland to the perimeter of the Appeal Site. The creation of a 5m tall screen bund with 1:3 outer slopes around the Initial Works, offset from the public bridleway to ensure protection of existing trees, would further restrict views in an easterly direction. These changes are temporary and the baseline views, due to the existing rising landform are already foreshortened.

- 1.23. The sequential experience of the landscape by public rights of way users within the Appeal Site would be such that open views of countryside within the Green Belt adjacent to the Appeal Site, and restored parts of the Appeal Site, would always be available during the operational phase of the Proposed Development.
- 1.24. I have demonstrated that the majority of the Appeal Site is well contained by natural topography, mature woodland and built development. The Proposed Development, using carefully designed phasing, progressive restoration and additional mitigation measures has sought to minimise potential adverse visual effects. Consequently, I conclude that the visual component of Green Belt openness would be preserved.
- 1.25. Following final restoration, I agree with the LVIA in the ES that the long-term effect upon landscape character of the Sandstone Estatelands LCT would be Moderate/Notable Beneficial and Significant. The effect upon visual amenity would range between Slight Adverse and Slight Beneficial and Not Significant, but more typically Neutral for most receptors.
- 1.26. In terms of the revised scheme there would be some noticeable improvements resulting from the reduction in some of the screen bund heights from publicly accessible locations including public views from bridleway 626 (B) that passes the plant site and footpath 624 (B) to the east of the plant site. Other changes as part of the revised scheme in terms of omission and reduction in bunds would represent slight improvements as experienced from receptors to the east.
- 1.27. The restoration scheme for both the original and revised scheme would provide:
- Approximately 7.5 hectares of ecologically diverse species-rich acidic grassland;
  - 170 new parkland and avenue trees;
  - 9,750 new native trees and shrubs (in woodland blocks);
  - Approximately 1km of new native hedgerow planting and strengthening;
  - Reinstatement of all Best and Most Versatile Agricultural land soil profiles;
  - Recreational and increase public amenity opportunities with pocket parks for wellbeing, education, and physical fitness opportunities; and
  - Additional public access / connectivity to the wider countryside as well as to and from Cookley and Lea Castle Village with an additional ~2.7km of new bridleway, footpath, and cycle way routes within the Site.
- 1.28. Following final restoration, I agree with the LVIA in the ES that the long-term effect upon landscape character of the Sandstone Estatelands LCT would be Moderate/Notable Beneficial and Significant. The effect upon visual amenity would range between Slight Adverse and Slight Beneficial and Not Significant, but more typically Neutral for most receptors.

### ***Potential Cumulative Effects***

- 1.29. It is important when carrying out a cumulative landscape and visual assessment that effects in three-dimensions are fully understood. Just because two developments may be located relatively close to each other (as seen in a 2-dimensional plan view), does not necessarily equate to a cumulative effect that would be perceived in the field.

- 1.30. The landform characteristics of the Site and surrounding land, implementation of advance planting, reinforced existing planting and grass seeded screen bunds, would in combination result in very limited cumulative effects with other developments recently constructed, permitted or in the planning system. Where very limited cumulative visibility of both schemes is available, as described above, I agree with the conclusions of the ES that the resulting level of cumulative effect on landscape character and visual amenity would be Neutral i.e., not discernibly greater than for the Proposed Development or other scheme/s individually.
- 1.31. The cumulative assessment conclusions would remain the same with the revised scheme.

### **Reason for Refusal 3: Impact on Residential Amenity**

- 1.32. Residential Amenity encompasses a range of considerations including outlook (views), noise and dust. The effects of the closest screen bunds upon residential visual outlook as a Reason for Refusal are now only supported by the Rule 6 Party.
- 1.33. Screen bunds are employed as an embedded mitigation measure in most quarry developments, to address potentially unacceptable environmental impacts, notably noise and outlook, from the operational phase. The screen bunds are a temporary soil store (grass seeded) and form an important part of the restoration material.
- 1.34. With reference to best practice guidance (TGN 2/19 published by the Landscape Institute), it is an established planning principle that no one 'has a right to a view'. This includes where outlook / visual amenity is judged to be 'significantly' affected by a proposed development, as confirmed in a number of appeal / public inquiry decisions. It is not uncommon for development to have a significant effect on visual amenity and in itself this does not necessarily cause planning concern.
- 1.35. In my professional experience it is not unusual for temporary screen bunds to be employed as part of quarry schemes at the heights and separation distances from dwellings that are proposed at the Appeal Site.
- 1.36. Consideration of acceptable separation distances between built form/engineered structures and nearby residents can be informed by the approach commonly adopted in housing developments. Typical separation distances between back-to-back housing is 20-23m. This separation is adopted to ensure that adequate daylight, sunlight, outlook, and privacy is achieved for all residents.
- 1.37. I consider that screen bunds of equivalent height and separation distance to permanent buildings e.g., a row of terraced houses, would have a reduced effect upon visual amenity of nearby dwellings because they are temporary structures, and they do not have windows that impact privacy.
- 1.38. In terms of this Appeal, the separation distances between the closest dwellings and the screen bunds have been designed to be over three times greater than the minimum separation distances typically adopted for back-to-back housing.
- 1.39. I have considered the views of the Proposed Development, including the screen bunds, that would be experienced by residents close to the Site comprising the Equestrian Centre Bungalow, Keeper's Cottage, North Lodges, Castle Barns/White House, Four Winds, Broom Cottage, South Lodges and Brown Westhead Park. I describe how effects upon visual amenity

would typically range from Slight to Moderate adverse and would not be Significant. I conclude there would be no potential for the RVAT to be breached at any dwelling.

- 1.40. In terms of the revised scheme, the temporary bund that would be seen from the front of the Equestrian bungalow would be reduced from 6m to 4m in height. Views from the rear would be improved with a reduction in height of the temporary bund along the northern edge of the plant Site from 4/6m to 3m in height.
- 1.41. The revised scheme would also result in some very modest improvements to already heavily restricted views from Castle Barns/White House because a reduced extent of temporary bunding would be required i.e., bund 18 omitted. The revised scheme would also offer some modest improvements to the visual amenity of South Lodges from the reduction in height from 4m to 3m of temporary screen bund 14.
- 1.42. In conclusion, for both I assess that the spatial and visual openness of the Green Belt would be preserved and there would be no unacceptable impact on the outlook experienced by residents living close to the Appeal Site.



Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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