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<b>Subject</b>	<b>Outline Planning Application P/2017/1133. Landscape and Visual Comments: Response to Applicant</b>	<b>Project Name</b>	Proposed Residential Development at Inglewood, Paignton
<b>Attention</b>	David Pickhaver, Torbay Council	<b>Project No.</b>	B23050AC
<b>From</b>	Steve Knott		
<b>Date</b>	27 July 2018		
<b>Copies to</b>	N/A		

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## 1. Introduction

This technical memorandum provides a brief response to the questions/ request for further information from Peter Leaver (David Wilson Partnership) in an email dated 12<sup>th</sup> July 2018 regarding the landscape and visual comments provided by Jacobs in their report to Torbay Council dated 7<sup>th</sup> June 2018 'Proposed Residential Development at Inglewood, Outline Planning Application P/2017/1133: Landscape and Visual Comments'.

It is understood that Peter Leaver is acting for the developer, Abacus Projects Ltd and has been commissioned to review the landscape issues set out in both the Jacobs and Nicholas Pearson Associates (NPA) assessments and the comments received so that his client can understand the differences between the various conclusions reached, in particular in relation to the impact of the proposal on the Area of Outstanding Natural Beauty (AONB).

Peter Leaver advises that his client is keen that his report is independent and impartial and has been asked not to favour one side or the other. However, it is difficult to see how his report can be independent and impartial whilst acting for the applicant.

The questions/ request for further information from Peter Leaver are as follows:

- Has the comparative assessment in the Jacobs report been based on the NPA methodology?
- Do Jacobs consider the grouping of landscape and visual receptors to be an acceptable approach?
- Are there any AONB views considered to be recognised or important viewpoints?
- What amount of separation is needed between the AONB boundary and the edge of the built-up area of Paignton in order to protect the special qualities of the AONB?

The following documents were consulted in composing this response:

- Landscape and Visual Impact Assessment (LVIA) (Nicholas Pearson Associates), October 2017.
- LVIA Addendum (Nicholas Pearson Associates), March 2018.
- Proposed Residential Development at Inglewood, Outline Planning Application P/2017/1133: Landscape and Visual Comments (Jacobs), 7th June 2018.

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- Torbay Local Plan (2012 to 2030).
- Planning for the South Devon AONB: Planning Guidance (Version 1).

The questions raised by Peter Leaver are addressed individually in each of the following sections of this technical memorandum.

## 2. Basis of Comparative Assessment

**Peter Leaver:** *“It is recognised that there is a difference of approach in assessing the overall level of effect in relation to visual impacts between the Jacobs and NPA methodology. Both approaches are acceptable, but I wondered if Steve had made a comparative assessment based on the NPA methodology - i.e. considering the effect on walkers across the length of a footpath or route? (I’ve asked the same question of NPA).”*

### Response:

As explained in the Jacobs report (7<sup>th</sup> June 2018) in the notes above Table 7.1:

*“As no criteria have been provided in the applicant’s LVIA for assessing the magnitude of impact, the criteria from ‘Interim Advice Note 135/ 10 Landscape and Visual Effects Assessment’ (Highways Agency, November 2010) (appended to this technical report at Appendix A for information) have been used for the Jacobs assessment of the magnitude of effects. Whilst these criteria are specifically for highways schemes, they have been selected for the purpose of this exercise, as they are widely used and transferable to other types of development. The Jacobs assessment is otherwise based on the criteria provided in the applicant’s LVIA (October 2017) at Appendix I Methodology. A level of effect (‘significance level’ after taking into consideration the sensitivity of the receptor and the magnitude of effect) of moderate and above [is] considered to be significant.”*

Table 7.1 of the Jacobs report (7<sup>th</sup> June 2018) notes in each header column the LVIA criteria used for the comparative assessment. The applicant’s (NPA) criteria has been used to assess:

- Sensitivity;
- Level of effect; and
- Significance.

As also explained in the notes above Table 7.1:

*“It is acknowledged that in some cases the applicant’s assessment may not be directly comparable to the Jacobs assessment. This is because the Jacobs assessment is based on the viewpoints visited on the site visit undertaken jointly with the applicant, whereas the applicant’s assessment is typically based on one or more representative viewpoints. Nevertheless, the table below shows the main areas of difference between the Jacobs and applicant’s assessment. Where more than one representative viewpoint forms the basis of the applicant’s assessment, this is noted in the third column below.”*

With regard to the effect on walkers across the length of a footpath or route, it is noted that the NPA methodology set out in the LVIA (October 2017) in Appendix I Methodology, paragraph 1.6.1 explains the basis of the visual impact as follows:

*“... A proportionate number of viewpoints will be selected from within the ZTV, and verified during site visits, to illustrate the range of views afforded towards the site. Viewpoints will be selected wherever possible to be representative of different visual receptor groups. It is acknowledged however that visual receptor groups are likely to experience a varying degree of exposure to views (duration and*

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*extent) and that a view from one location may be very different from another in close proximity. Such viewpoints, where selected, are intended to provide an illustration of a typical view...*

The comparative assessment in the Jacobs report has therefore been based on a selection of representative viewpoints identified by NPA to represent the different receptor groups.

### **3. Grouping of Landscape and Visual Receptors**

**Peter Leaver: “The NPA assessment methodology groups landscape and visual receptors (table 3 and 4a to 4c) and makes an assessment by group. It would be useful to know if Jacobs consider this to be an acceptable approach and what effect it has on the assessment of significance.”**

#### **Response:**

The assessment of visual effects by receptor groups is considered acceptable and relatively standard practice. However, the presentation in the NPA LVIA Addendum (March 2018) tables 4a to 4c offers limited transparency in that the effects assessed from specific representative viewpoints are not always clear where the assessment of a particular receptor is based on more than one viewpoint.

Where the NPA assessment is based on more than one representative viewpoint, it is assumed that the assessment presented reflects the range of effects from the different viewpoints, for example, the magnitude of change during construction for ‘Road Users – AONB Kennels Lane’ is given in Table 4b as “*Medium to Low*” based on representative viewpoints (RV) RV9a and RV 9b.

It is noted that for the purposes of Environmental Impact Assessment, the ‘worst-case’ should be assessed.

### **4. Recognised or Important AONB Viewpoints**

**Peter Leaver: “In relation to the visual impact from the AONB, are there any VPs of the AONB that you consider to be recognised or important viewpoints? This is with reference to the criteria for assessing significance in GLVIA3 para 6.44.”**

#### **Response:**

As a starting point, all views within the AONB are considered to be important, in recognition of the nationally important designation. There may be some instances where certain views within the AONB could be considered as less sensitive, for example, where compromised by existing visual detractors.

The reference to GLVIA3<sup>1</sup>, paragraph 6.44 is noted in this context as follows:

*“...Effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant...”*

In this context, GLVIA 3, paragraph 6.37 should also be noted as follows:

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<sup>1</sup> Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute/ Institute of Environmental Management and Assessment), April 2013.

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*"Judgements should also be made about the value attached to the views experienced. This should take account of:*

- *Recognition of the value attached to particular views, for example, in relation to heritage assets, or through planning designations..."*

As set out in the Jacobs report (7th June 2018), one of the special qualities identified in the South Devon AONB Management Plan 2014 – 2019 comprises the *"Iconic wide, unspoilt and expansive panoramic views"*. The report elaborates as follows:

*"The rationale provided for this special quality explains that the "open and uninterrupted panoramic views from high ground ... are resource of exceptional value" and that "vantage points with views that only contain natural features ... represent a diminishing, highly valued resource ...". High inland locations offering wide (270 degree) panoramic views are considered to be limited in number. Gate gaps at field entrances are considered to provide important 'windows' on the AONB landscape."*

As noted above in Section 2, NPA explain in their LVIA (October 2017) that viewpoints have been selected wherever possible to be representative of different visual receptor groups. The NPA Representative Viewpoints include a range of iconic panoramic views and glimpses through gate gaps.

## **5. Separation Between AONB Boundary and Built-up Area**

**Peter Leaver:** *"Finally, we discussed on site the question of the amount of separation needed between the AONB boundary and the edge of the built up area of Paignton / Brixham in order to protect the special qualities of the AONB within it's setting. I'd be interested in Steve's views on this question, which seems key to the consideration of the proposal."*

### **Response:**

The definition of an amount of separation (separation distance) in this context would tend to be arbitrary and is not therefore considered relevant in relation to protection of the special qualities of the AONB. The assessment of effects on the special qualities of the AONB should be based on a thorough assessment of the relevant landscape and visual issues.

Torbay Local Plan policy SS8 states that:

*"...it will be particularly important to ensure that development outside the AONB does not have an unacceptable impact on the special qualities of an adjoining AONB... In assessing new development outside AONB, the value of natural landscapes will be carefully considered, using the Torbay Landscape Character Assessment and other relevant management plans, to help ensure the objectives for their conservation are met."*

As explained in the Planning for the South Devon AONB: Planning Guidance (Version 1), *"the effect of development proposals outside the AONB on views within and views out of an AONB are of particular relevance"*.