

**Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. Details of access to be determined with all other matters reserved**

**LPA Reference P/2017/1133**

**PINS Ref APP/X1165/W/20/3245011**

**Proof Of Evidence on Landscape and Visual Matters of  
Peter Leaver BA(Hons) Dip LD CMLI. Director, David Wilson Partnership**

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## 1.0 Introduction

### Qualifications and Experience

1.1 I am Peter Leaver, a chartered landscape architect and director of David Wilson Partnership Limited. I hold a BA (hons) in landscape design and a postgraduate diploma in landscape architecture from Manchester Polytechnic. I was elected a member of the Landscape Institute in 1989. I worked from 1989 to 1997 for Bristol City Council, where my duties included landscape design for residential areas and preparing assessments of the landscape impact of planning applications for the City Council development control team.

1.2 Since 1997 I have been a partner, now a director, of David Wilson Partnership Limited, working as a landscape architect for a wide range of public and private sector clients. Of relevance to this inquiry, I have given evidence at appeal in relation to housing developments for North Devon District Council and Torrridge District Council.

1.3 I have prepared landscape character assessment as an evidence base in the preparation of policies on the Coast and Estuary Zone and Rural Gaps which now form part of the adopted North Devon and Torrridge Local Plan. I have recently completed a landscape sensitivity study for Copeland District Council, which is currently at consultation stage and will be used as part of the evidence base for the forthcoming local plan review. I currently advise the North Devon Coast AONB Partnership on landscape matters, for whom I have given written and oral evidence at appeal on landscape and visual matters. I have also prepared landscape and visual impact assessments for national housing companies and local developers, to support planning appeals, planning applications and SHLAA submissions.

1.4 The evidence which I have prepared and provided for this appeal (ref: APP/X1165/W/20/3245011) is true and is prepared with regard to the Landscape Institute technical and professional standards. I confirm that the opinions expressed are my true and professional opinions

### Nature of Involvement

1.5 David Wilson Partnership were commissioned by the appellant in 2018 to carry out an independent, impartial review of the issues of concern in relation to the landscape and visual impacts of the proposal (CD2.31). The appellant faced a complex situation as a result of the conflicting advice received on landscape and visual impact: The submitted Nicholas Pearson Associates (NPA) LVIA concluded that there would be no significant impacts as a result of the proposal, a conclusion with which the local planning authority's (LPA) landscape

advisor at the time agreed. The LPA appointed other consultants who, along with some other consultees, took a fundamentally different view, particularly on the impact of the proposal on the setting of the AONB. The appellant required a sense check on the likely effect of the proposals, particularly on the setting of the South Devon AONB. I was asked to undertake the review because of my experience in advising the North Devon AONB Partnership on landscape matters.

### **Reasons for Refusal Addressed**

1.6 My evidence deals primarily with reason for refusal 3 as set out in Torbay Council's statement of case (paras 10.7 to 10.9): *"The development would represent a substantial and harmful intrusion into open countryside which forms part of the backdrop and setting of the South Devon AONB, which would be clearly visible from public vantage points and recreational networks (within the AONB) and from outside the AONB (looking towards AONB), contrary to Paragraphs 170 and 172 of the NPPF, Policies SS2, SS8.3 and C1 of the Torbay Local Plan 2012-30, and Policies E1 and E6 of the Brixham Peninsula Neighbourhood Plan ("BPNP"), and the South Devon AONB Management Plan (2019-2024)."* (CD 7.18)

1.7 My evidence addresses the landscape and visual impact issues raised by reason for refusal 1. My colleague Mr Fitton deals with the planning issues. (Torbay Statement of Case para 10.2, 2<sup>nd</sup> bullet point): *"The proposal is significantly and demonstrably contrary to Policies BH3, BH4, BH9, E1, E2, E3 and E6 of the Brixham Peninsula Neighbourhood Plan and the strategic framework for the Neighbourhood Plan set by Policy SDB1 of the Torbay Local Plan 2012-30. The extent of this conflict, including development of an area identified as a settlement gap identified in Policy E3 of the Neighbourhood Plan, would seriously undermine the Development Plan as a whole."*

1.8 I also address the observations set out in para 4.1 of Brixham Town Council Statement of Case: *"It will be submitted the proposed development would represent a substantial and harmful intrusion into open countryside at a public vantage point for important views into and out of the Dart valley and the South Devon AONB. It will be submitted this impact will detract from the special character of the Brixham Peninsula area and undermine the characteristics that make the area "special".* "

### **Structure of Evidence**

1.9 My Proof of Evidence describes how proposals for the appeal site were developed, taking into account the character and qualities of the baseline landscape and the responses of consultees. It goes on to identify potential landscape and visual effects and how these were assessed through the LVIA process. It describes how predicted impacts have been

addressed, where necessary, by adaptations to the outline site proposals and the resultant assessment of residual landscape and visual effects. Finally, my evidence describes how the residual effects show compliance with development plan policies.

## 2.0 Baseline Landscape and Visual Character

2.1 My examination of the design proposals and discussions with those involved leads me to believe that the site development proposals were developed with a focus on landscape and visual effects, landscape design and green infrastructure from the early stages of the development process. Key to this approach was an understanding of the baseline landscape and visual character of the site and surrounding area and the scope of assessment of landscape and visual effects. The LPA agreed the scope of that assessment in a letter of 16<sup>th</sup> February 2017 in consultation with the South Devon AONB and with their own landscape officer (CD 1.38).

2.2 Pages 13 – 16 of that letter detail the requirements of the landscape and visual assessment, all of which have been met in the submitted LVIA and its addenda.

2.3 In relation to the format of the assessment, has been undertaken so as to comply with the Guidelines for Landscape and Visual Assessment 3<sup>rd</sup> edition (GLVIA3) (CD 6.8). In particular:

- A Scoping opinion was sought and the requirements of the opinion were met in the submitted LVIA, particularly in relation to coverage of landscape and visual receptors (CD 1.37);
- Consultations and site visits were carried out with LPA and AONB officers as detailed in the Abacus Projects Landscape and Visual Statement of Case (Appendix 2, paras 2.1 – 2.14 CD 7.17). Changes were made to the indicative layout to address concerns raised as part of an iterative design process as detailed in section 3 below;
- Terminology used is clear and precise when describing effects and the criteria used to form judgements (submitted LVIA Appendix 1 CD 1.22 and LVIA Addenda CD 2.22 & 2.46);
- Landscape and visual effects are assessed separately and conclusions are reached on each individually. Effects are summarised at LVIA table 3 and the various parts of table 4.
- Cumulative landscape and visual effects are assessed and summarised at section 11.3 of the LVIA.
- Individual judgements on landscape and visual effects have been combined to make an overall assessment of significance and are set out in sections 10 and 11 of the LVIA.

- The assessment is clear in its reasoning. Effects are summarised in tabular form and overall significance of residual effects are summarised at chapter 10 of the submitted LVIA.

2.4 The development is not in the AONB<sup>1</sup>, but proposals (albeit indicative) have been developed which are mindful of any potential impacts on the setting of the AONB. Account has been taken of the special qualities, distinctive characteristics, policies and objectives of the AONB, as detailed in section 4 below. In particular, the treatment of the western boundary of the site has taken account of its relationship to the AONB boundary, local topography and the scale of neighbouring development, as detailed in The Proposed Context Masterplan and Green Infrastructure Plan (CD 2.11, 2.12).

2.5 The scoping opinion provided by the LPA (CD 1.38 pp13 – 16 and appendix 3 pp28 - 30) set the framework for the approach to the LVIA. The study area covered includes a wide variety of landscape character, covering several different landscape character areas and types, urban edge and rural areas as well as the South Devon AONB. Landscape value and susceptibility to change varies across the study area, as do the likely effects of development. The Scoping Opinion requested that the LVIA should evaluate and review the following documents:

- The South Devon AONB Management Plan (see below)
- Devon Character Area (DCA) profile for “Torbay Hinterland” (CD 6.3). The DCA encompasses the site and includes landscape to the east and west of the site, as far as Stoke Gabriel Road at the upper edge of the Dart Valley (Appendix PL 1 and CD 1.22). Special qualities and characteristics of the DCA include its role as a setting for Torbay (see section 5)
- The Torbay Landscape Character Assessment (see section 5)
- The LVIA considered the impact of the proposals in relation to this baseline. It also considered the potential effect of development on a wider range of landscape receptors including the South Hams Landscape Character Assessment as well as the characteristics of the site (CD 1.22).

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<sup>1</sup> see paragraph 4.2 below which gives the relevant distances between the site and the proposed development and the AONB boundary

2.6 The scoping opinion suggested that the LVIA should identify the local character of the area. This would include an analysis of existing fields and hedgerow character and an appraisal of the Brixham Road as a linear landscape feature (CD1.38 p16).

2.7 The LVIA deals with this complexity of landscape (including the issue of Brixham Rd raised at Scoping) by dividing the landscape of the study area into seven receptor groups (LVIA table 1 p35 and APP II Fig 6 (CD 1.22)). LVIA table 3 (p63 CD 1.22) summarises the overall level of effect for each of these groups. Landscape effects are predicted to be minor adverse or less in all receptor groups (including the AONB) except the host landscape receptor group, incorporating the site and immediately surrounding area, where effects of moderate adverse are predicted.

2.8 Viewpoints as set out and agreed in the scoping opinion were provided in accordance with current guidance (CD 1.22) to cover daytime and night time views. These have been updated to comply with new guidance on photography and visualisation issued by the Landscape Institute in 2019 (LVIA Addendum January 2020(CD 2.46)). Tables 4a to 4c of the LVIA summarise the overall effect on visual receptors (pp 89 – 91 CD 1.22). For visual receptors within the AONB, minor adverse effects are predicted.

2.9 Questions have been raised about the maturity of planting at year 1 in the submitted VVM's. This may be on the basis of a misunderstanding about the basepoint date for visualisations. The proposed planting sizes shown in the Year 1 images accord with those that have been growing for approximately 5 years. As stated within the January 2020 LVIA Addendum Appendix IV (CD2.46 p4) the planting shown at Year 1 is to be planted approximately 5 years before the end of the construction period. Section 8.5 of the Design and Access Statement (CD 2.23) outlines that the primary infrastructure including the proposed planting will be delivered in advance of the onset of constructing either of the residential phases. Thus the time that the planting would be growing for, prior to the end of construction, will be at least 5 years, based on the typical construction figure of 50 houses per year (as Mr Fitton's evidence). As the scheme proposed is for up to 373 houses this period could even extend to 7 or 8 years. The proposed planting shown in the Year 10 images (i.e. 10 years on from the end of the construction) could therefore have been in place for at least 15 years and the size of the planting shown within the images reflect this. Plant growth rates of 30cm to 50cm per year have been assumed<sup>2</sup>. It should be noted that due to the large

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<sup>2</sup> The Torbay Landscape Officer Response (CD4.24) notes that the land is of high quality with good soil and a long growing season, meaning that new planting should establish well. On that basis, growth rates in the upper part of the range may be expected.



number of trees on the site, it is not practical to be species specific within the visualisations. The 3D model trees are not intended to represent individual species and their associated detailed growth forms and the detailed site conditions. The Landscape Institute guidance on visualisations (LI Technical Guidance Note 06/19 CD6.32)) recognises that visualisations should reasonably represent the proposal in a way that allows an understanding of the landscape and visual change. The degree of detail should be relative to the design stage reached – in this case outline planning. I am satisfied that the VVMs reasonably represent the proposals, the likely growth of vegetation and the visual effect of the development and vegetation.

2.10 I have used historical aerial photograph data and field visits in order to put together a photographic record illustrating plant growth rates on other, similar developments. Developments planted over the last 20 years in Torbay and elsewhere in Devon. Taken together, the photographs show that at three to five years after planting, structural landscaping starts to have an impact on the character of new development and at 15 to years after planting, mature structural landscape has a profound effect on softening development and integrating it into its setting. The locations are Fairacre Avenue, Barnstaple (completed 2001) and White Rock Employment Land (W of S Devon College) completed 2009 – 2010 (Appendix PL3).

2.11 The LPA consultants raised questions about the methodology used to reach conclusions on magnitude of change and significance of effect (CD 1.41 p10). The landscape position statement sets out the current understanding between the appellant and the LPA on the methodology used for the assessment of impacts (table 6 of the Position Statement). I am satisfied that the methodology used by the NPA assessor meets the requirements of the industry standard - the Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> edition (GLVIA3).

2.12 Cumulative impact assessment was requested as part of the Scoping Opinion. It was provided within the submitted LVIA and concluded that there would be no significant cumulative impacts as a result of the proposal (Submitted LVIA, 2017 CD 1.22 p103).

2.13 In conclusion, the LVIA methodology complies with the industry standard which provides an objective structure to landscape and visual impact assessment. The submitted LVIA is not flawed in its methodology, it meets the requirements of the GLVIA3 guidance in that it specifies the nature of the proposed development, describes the existing landscape and visual baseline, predicts the effects as a result of the proposed development and significance and considers how the effects can be mitigated (para 3,2 (CD 6.8)). In my judgement it is a thorough and accurate assessment whose conclusions I endorse.



## 3.0 The Approach to Design Development

3.1 Initial design principles were proposed as a result of recommendations set out within the Visual Assessment and Landscape Analysis document produced in February 2015 by Stride Treglown (CD 2.0).

3.2 The application scheme is in outline, but considerable thought has been given to the layout of the site, the palette of materials and green infrastructure. The Planning Design and Access Statement (CD2.23) and the Urban Design Framework (CD2.24) set out design principles that are appropriate to locally distinctive landscape characteristics and features and are responsive to changes in topography on site. In particular:

- The topography of the site, with a local high point, part of the ridge that defines the seaward facing edge of Paignton, slopes on the western part of the site leading towards the Dart Valley and to the south towards Galampton. Appendix PL2.3 (appended to this proof of evidence) illustrates the local topography and the relationship of the site to the Dart Valley;
- The relationship of the western part of the area, including Nords Woods, to the edge of the Dart Valley;
- The pattern of vegetation on site, including small farm woodlands, well maintained hedgerows and strong field pattern;
- The proximity of the site to Brixham Road and new development at White Rock;
- The palette of materials and building form in the surrounding area – as set out in chapter 6 of the Urban Design Framework (CD2.24).

3.3 The design process involved consideration of these factors. Ongoing assessment of the effects of design iterations were fed back into the process, along with the consultation responses of the local planning authority (LPA). The input and comments appear to me to have been viewed constructively and considered changes were made to the scheme as a result. The changes are summarised in section 8.5 of the amended Planning, Design and Access Statement (CD2.23 p44-45). Examples of the changes made as a result of ongoing assessment of the site, character analysis as part of the LVIA and the input of the LPA include:

- Amended layout and proposals (submitted March 2018 CD 2.11-2.17) to take account of topographical variations across the site - notably an appreciation of the merits of pulling back the built elements of the development from the south and south-west parts of the

site. The revised proposals take into account the areas of the site closest to the AONB and where views from the elevated areas of the AONB are possible.

- Development pulled back from the south western edge of the site to recognise that the south western parts of the site are orientated towards the AONB, have closer associations with the Dart Valley sides than other parts of the site and are closest to the Waddeton and Galmpton Conservation Areas.
- The incorporation of small woodland copses along the southern and south western edges of the scheme to afford the filtering of views from elevated parts of the AONB
- The siting of an area of public open space rather than built development at the highest point of the site to further reduce the visual impact of the scheme
- Strengthening existing field boundaries along southern and western edges to minimise views from these directions including from the elevated parts of the AONB and from long distance footpaths such as the John Musgrave Heritage Trail. (The John Musgrave Heritage Trail is a 35 mile walking trail encompassing parts of Torbay, South Hams and Teignbridge. It runs from Maidencombe, north of Torquay, to Totnes, along the western side of the Dart Valley to Dittisham and then to Brixham via the Greenway Ferry. It was launched by South Devon Ramblers in March 2006 in memory of John Musgrave, an enthusiastic walker and walk leader)<sup>3</sup>.
- Retaining and strengthening the hedgerow between the site and the Brixham Road whilst still allowing views over this hedgerow to the elevated ground within the AONB to the west.
- Building on existing features such as hedgerows and small farm woodlands. Locally uncharacteristic features, such as large scale woodland or coniferous shelterbelts are not proposed.
- The incorporation of substantial amounts of tree planting within the scheme in association with the retention of much of the existing hedges to break up the mass of the built development and to help integrate the proposals into the character of the local area.
- The inclusion of orchards and allotments along the northern edge of the scheme to provide an enhanced green gap between the Inglewood proposals and the White Rock development further to the north.

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<sup>3</sup> [http://www.southdevonramblers.com/content.php?id=jmht\\_history](http://www.southdevonramblers.com/content.php?id=jmht_history)

- The incorporation of suitable buffers between the mature trees to be retained and the edges of the built development to further assist with integrating the proposals into the locality.
- Scope for creating new publicly accessible views towards the AONB from within the development (see isometric diagram Fig 2).
- The suggested use of a locally vernacular palette of colours for the proposed building finishes, both to integrate the proposals into the local area and to reduce visual impact (it is noted that some colours and finishes used in other residential developments in Torbay are naturally recessive in their visual impact).. A further set of VVMs (LVIA Appendix V Addendum -Part 2, CD 2.46) have been prepared illustrating the effect of utilising locally found, more visually recessive materials in views from a range of locations for comparative purposes.

3.4 At the end of this process, the LPA's landscape advisor concluded that "*the impact on landscape is not of significance*" (CD 4.24) and the LPA planning officer stated that the proposals were well landscaped (CD3.4b ). It is my view that the proposals represent a coherent, well considered design that responds to its landscape context.

3.5 The LVIA process identified potential impacts on surrounding visual and landscape receptors, notably the South Devon AONB, the local landscape outside the AONB (including the area of the settlement gap and vista identified in the Neighbourhood Plan) and users of the local footpath network. The LVIA concluded that no significant adverse effects on these receptors are predicted. That is a conclusion with which I agree. Set out below are the details of the considerations that have led me to that conclusion.

## 4.0 The Effect of the Proposals on South Devon AONB

4.1 Areas of Outstanding Natural Beauty (AONB) are designated exceptional landscapes whose distinctive character and natural beauty are precious enough to be afforded the highest status of protection in the national interest. Both national and local planning policy give great weight to the conservation and enhancement of these landscapes.

4.2 The appeal site is not within the designated AONB, but the baseline assessment (noted above) identified that effects on the setting of the AONB are possible. The LVIA fig 3 identifies areas within the AONB from where visibility is predicted and fig 8a identifies Viewpoint locations (CD 1.22). At its closest, the site boundary is 550m from the AONB and the closest that proposed development is to the AONB boundary is 685m. From the principal viewpoints within the AONB, the distances are as set out in table 1 below. Viewpoints noted as being “at dispute” with the LPA or R6 party are highlighted:

*Table 1 distance of principal viewpoints in AONB*

<i>Viewpoint</i>	<i>Distance to site boundary</i>	<i>Distance to proposed edge of development</i>
3	4,000m	4,180m
<b>5c</b>	<b>3,470m</b>	<b>3,600m</b>
<b>5d</b>	<b>3,540m</b>	<b>3,660m</b>
<b>6a</b>	<b>3,710m</b>	<b>3,800m</b>
<b>6b</b>	<b>3,710m</b>	<b>3,800m</b>
<b>7a</b>	<b>3,630m</b>	<b>3,730m</b>
<b>7b</b>	<b>3,500m</b>	<b>3,600m</b>
<b>7c</b>	<b>3,390m</b>	<b>3,480m</b>
<b>7d</b>	<b>3,090m</b>	<b>3,190m</b>
<b>7e</b>	<b>2,990m</b>	<b>3,090m</b>
<b>8a</b>	<b>2,310m</b>	<b>2,470m</b>
<b>8b</b>	<b>2,260m</b>	<b>2,420m</b>
<b>8c</b>	<b>2,280m</b>	<b>2,440m</b>
<b>9a</b>	<b>1,820m</b>	<b>1,975m</b>
<b>9b</b>	<b>1,325m</b>	<b>1,480m</b>
16	550m	725m
<b>17</b>	<b>590m</b>	<b>700m</b>

19	1,920m	2,080m
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4.3 The LVIA considers the potential effect of the proposals on the AONB and on visual receptors within the AONB. The LVIA concludes that no significant effects on the AONB are predicted<sup>4</sup>. This is a conclusion with which the LPA's landscape consultant and I both agreed (CD 4.24 & 4.25 and CD 2.31).

4.4 The LPA (now advised by a second consultant – Jacobs) and the South Devon AONB Partnership (AONBP) disagree with this assessment and consider that significant harm would be caused to the setting of the AONB by the proposals. Their contention is based on their assessment of the impact of the proposals on the setting of the AONB, its special qualities as they relate to its setting (AONBP letter CD 4.17, 4.18 and Jacobs report CD 2.29), and on the visual effects of the proposals on people viewing the site from within the AONB. In the evidence below I address each of these areas, although there is clearly some overlap between them.

### **Special Qualities of the AONB**

4.5 Natural Beauty is an overarching term that encompasses the qualities, features and characteristics that add together to make an AONB distinctive. Special qualities are a subset of Natural Beauty, distilling the distinctive characteristics and key attributes that make the area special and worthy of designation as an AONB in south Devon. They apply to large areas or all of the AONB. *“Special qualities define the unique “natural beauty” for which the South Devon AONB is designated as a nationally important protected landscape.”* (AONB Management Plan, Annex 4 p9 CD 6.10).

4.6 The AONB Management Plan sets out the 10 special qualities of the AONB, the rationale behind them and the characteristics that contribute to them. Annex 4 of the Management Plan (Annex 4 p9 – 11 CD 6.10) helpfully defines the relationship between special qualities and natural beauty.

4.7 The ten special qualities are defined as:

- Fine, undeveloped, wild and rugged coastline.
- Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses.

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<sup>4</sup> para 1.31.1 defines significant effects as *“where there is a major change or irreversible effect, over an extensive area/ proportion of views, on elements and/ or aesthetic and perceptual aspects that are key to the character/ visual amenity of nationally valued landscapes/views.”* (LVIA p93 CD1.22)

- Deeply rural rolling patchwork agricultural landscape.
- Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
- Iconic wide, unspoilt and expansive panoramic views.
- A landscape with a rich time depth and a wealth of historic features and cultural associations.
- A breadth and depth of significant habitats, species and associated natural events.
- An ancient and intricate network of winding lanes, paths and recreational routes.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.

4.8 Most of the special qualities relate to features and elements within the AONB. The site is not in the designated area and thus only qualities which are susceptible to external influences could receive potential effects. The LPA and AONBP have previously cited 3 of the ten special qualities as being pertinent to the consideration of the appeal proposal <sup>5</sup>:

- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement
- A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and the southern Dartmoor
- Iconic wide, unspoilt and expansive panoramic views

4.9 In preparation of the landscape position statement, a further four special qualities have subsequently been identified by the LPA. In my judgement, consideration of these qualities is not pertinent to consideration of the appeal, for the reasons set out below. Those additional special qualities cited are:

- Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses.
- Deeply rural rolling patchwork agricultural landscape.

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<sup>5</sup> AONB consultation CD 4.18 D Pickhaver letter CD 4.26, Jacobs Landscape Advice CD 1.41 section 5.4



- A landscape with a rich time depth and a wealth of historic features and cultural associations.
- An ancient and intricate network of winding lanes, paths and recreational routes.

4.10 I have considered each of these Special Qualities (“SQ”), the contribution that the development site makes to them and the effect of development on the site on them.

**Special Quality: Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement**

4.11 The rationale for this SQ is that responses to timelessness, wilderness, remoteness and peacefulness are significant. Dark night skies are particularly valued. The characteristics that are distinctive to this quality include:

- Features and perceptual factors perceived as being natural.
- High tranquillity away from main population centres, main roads, tourist hot spots.
- Wild and rugged coast with few signs of human presence.
- Dark night skies, in locations away from intrusive nightglow produced by Torbay and Plymouth<sup>6</sup>.

4.12 The LPA view is that the areas of the AONB over which the development may have an influence are representative of these qualities. In my judgement, the site does not largely contribute to the qualities of tranquillity, wilderness, remoteness and peacefulness that are found in parts of the AONB and that on the edge of Torbay these qualities are either absent or heavily compromised. My judgements are based on an understanding of the generally recognised definition attributed to each of these terms, applied to the particular circumstances of the appeal proposal and the surrounding landscape, as set out in detail below:

**A Definition of Tranquillity:**

4.13 Tranquillity is a concept that is generally established in the public understanding, but whose definition in landscape policy terms is not always clear. A technical note was written by the Landscape Institute in 2017 to provide an overview of what is understood by the term within the landscape profession. The note states:

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<sup>6</sup> Annex 4 CD 6.10

“tranquillity cannot readily be defined as an environmental characteristic or quality as it is a state of mind that is being described...(it) is, in effect, an umbrella term used to refer to the range of environmental factors on our senses and our perception of a place”. (CD 7.1)

4.14 GLVIA3 provides a simple definition (p158 CD6.8 ):

“a state of calm and quietude associated with peace, considered to be a significant asset of landscape”

4.15 The South Devon AONB Management Plan (CD 6.10) defines tranquillity as:

“a perceptual landscape quality, increasingly valued in modern society. Often expressed in terms of ‘relative tranquillity’, the term is used to describe a combination of factors including naturalness, wildness, and levels of disturbance”<sup>7</sup>

4.16 In Annex 3 to the Management Plan, the CPRE definition of tranquillity is quoted:

“the quality of calm experienced in places with mainly natural features and activities, free from disturbance from man-made ones (as defined by the Campaign for the Protection of Rural England).<sup>8</sup>

4.17 Natural England published guidance on the assessment of landscapes for designation as AONB<sup>9</sup>. Indicators of tranquillity are set out in Appendix 1 of the guidance. The point is made that, in England, measures of tranquillity are all relative, as there are few places that can be described as completely natural with no human influence.

Table 2 Indicators of tranquillity (from NE CD 7.2)

<i>Factor</i>	<i>Example of sub Factor</i>	<i>Example Indicator</i>
<i>Tranquillity</i>	<i>Contributors to tranquillity</i>	<i>Presence and/or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, stream, sea, natural sounds and similar influences</i>
	<i>Detractors from tranquillity</i>	<i>Presence and/or perceptions of traffic noise, large numbers of people, urban development, overhead light pollution, low flying aircraft, power lines and similar influences</i>

<sup>7</sup> South Devon AONB Management Plan Glossary p49 (CD 6.10),

<sup>8</sup> SD AONB Annex 3 State of the AONB p46 (CD 6.10)

<sup>9</sup> Guidance for Assessing Landscapes for Designation as National Park or Area of Outstanding Natural Beauty in England (Natural England 2011) App1 (CD 7.2)

4.18 Between the Landscape Institute Guidance, the AONB Management Plan, and Natural England Guidance there is agreement that attributes connected to wildness and remoteness; naturalness and timelessness, wilderness and dark night skies all contribute to a sense of tranquillity. There is an interconnectedness between these attributes: For example, remote and open landscapes can contribute to the experience of being in a wilderness; being close to nature in a place with few signs of human intervention can contribute to a sense of timelessness. I have considered below the effect of the proposed development on these attributes (recognising their interconnectedness) in relation to the special quality of tranquillity in the AONB.

**Wildness and Remoteness:**

4.19 Appendix 1 of the NE Guidance<sup>10</sup> (CD 7.2) suggests that “wildness” is composed of a number of factors, including “remoteness” and “openness”:

*Table 3 Examples of wildness, from CD 7.2, Appendix 1*

<i>Factor</i>	<i>Example of sub Factor</i>	<i>Example Indicator</i>
<i>Relative wildness</i>	<i>A sense of remoteness</i>	<i>Relatively few roads or other transport routes</i>
		<i>Distant from or perceived as distant from significant habitation</i>
	<i>A relative lack of human influence</i>	<i>Extensive areas of semi-natural vegetation</i>
		<i>Uninterrupted tracts of land with few built features and few overt industrial or urban influences</i>
	<i>A sense of openness and exposure</i>	<i>Open, exposed to the elements and expansive in character</i>
	<i>A sense of enclosure and isolation</i>	<i>Sense of enclosure provided by (eg) woodland, landform that offers a feeling of isolation</i>
	<i>A sense of the passing of time and a return to nature</i>	<i>Absence or apparent absence of active human intervention</i>

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<sup>10</sup> Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England (Natural England 2011) App1 p25 (CD 7.2)

4.20 These indicators can be applied to the setting of the AONB as perceived from the two areas most at contention (John Musgrave Trail and the route between Dittisham and Firebeacon Hill).

4.21 From the John Musgrave Trail, traffic noise is evident and roads are nearby, far less so from Firebeacon Hill. While Brixham, Paignton and Galmpton are clearly evident from both locations, the presence of intervening natural features and open countryside enhances the sense of perceived distance from these built up areas and therefore enhances the sense of remoteness. The introduction of development on the site would not reduce the perceived distance to significant habitation. In the case of John Musgrave Trail, Galmpton is visible in the foreground and from Firebeacon the intervening Dart valley (providing a sense of distance) is not breached by the development.

4.22 In both locations, there is a perception of openness - being exposed to the elements and expansive views. These, however, are not 360 degree uninterrupted views – woodland, hedgerow and rising ground direct views towards the developed coast. The development would not impinge on the sense of openness.

4.23 From both viewpoints, overt urban influences reduce the sense of wildness and neither VP contains large tracts of semi natural vegetation (ancient or naturalised woodland, moorland, heath, common) or provides a real sense of isolation.

#### **Naturalness and Timelessness:**

4.24 The NE Guidance does not seek to define “naturalness”. It suggests that indicators of natural heritage features are the presence of species or habitats that contribute to scenic quality and of a sense of a return to nature and the absence of active human intervention. Timelessness is a concept that is closely related to naturalness. In relation to landscape, timelessness can define the sense of being in a landscape of traditional rurality, away from modern human influences.

4.25 In views from the John Musgrave Trail (VP8), Firebeacon Hill (VP6,7) and Greenway Lane (VP19) views are over a landscape influenced by farming practices with longer views towards relatively more natural landscapes, especially looking away from Paignton. The presence of the large built up area of Paignton and views over Galmpton detract from the qualities of timelessness and naturalness because of the obvious presence of urban and manmade features as well as traffic noise. Active human intervention is evident in the setting of the AONB in views from the AONB towards the site – principally through the visible presence of the Torbay conurbation. VVMs 6, 7, 8 and 19 show that the development would

slightly increase that intervention in the setting of the AONB, but would not be a new factor or one that substantially changes the level of human influence on the landscape.

### **Wilderness**

4.26 Definitions of wilderness centre around the concept of wild, desolate and uncultivated or uninhabited tracts of land, not commonly found in rural south Devon. The Campaign for National Parks, in a document cited in the Glover Review (see below) is more helpful in describing wilderness in relation to experiential factors: *“a wilderness experience has very special qualities that can be encountered in a range of different scenarios, from a small pocket of dense woodland to vast open landscapes of heather moorland. The elements that make an area evoke this experience are diverse, but principally include a **sense of closeness to nature, freedom, solitude and even a sense of danger and challenge**”*<sup>11</sup> (emphasis added)

4.27 Closeness to nature, solitude and freedom are certainly qualities that can be experienced within the AONB, for example on the coast between Start Pt and Prawle Pt, or coast between the R. Erme and Bigbury. The qualities that evoke a sense of wilderness are not as evident in the areas around the Dart Valley from where the proposal would be visible. This is not an entirely natural landscape – indicators of human intervention include a landscape shaped by farming practices as well as the obvious presence of the conurbation of Torbay in the setting of the area. The influence of Torbay, its visible development and traffic noise also detracts from a sense of solitude in nature. The sense of danger or challenge would not be experienced within the local landscape on the edges of the Dart valley to the same extent as one might experience standing on an exposed coastal clifftop or in middle of open moorland under a brooding sky.

4.28 The proposed development would not compromise what little sense of wilderness can be experienced from those parts of the AONB from where it would be visible.

### **Natural Nightscapes (Dark Night Skies) and Natural Soundscapes**

4.29 Annex 4 of the AONB Management Plan is clear that dark night skies and natural nightscapes are particularly valued and can be viewed in locations away from the intrusive skyglow produced by Plymouth and Torbay (Annex 4, p19, CD 6.10). An assessment has been made of the effects of the proposal on dark night skies in the submitted LVIA section 9 (updated in 2018 addendum section 7 and confirmed in the 2020 addendum para 3.6), supported by representative night time viewpoints (RV03, RV07, RV09 – CD 2.46). The

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<sup>11</sup> Glover Review p44 (CD 7.5)

visualisations illustrate the current extent of nightglow in views towards the site from the AONB. The lights of Torquay and Paignton are dominant influences on the night time view, with extensive areas of night glow. Lights from the South Devon College Sports Centre are the most obvious and brightest single source of light and the settlements of Galmpton and Stoke Gabriel both contribute to the night time view. The proposal would be perceptible, but its contribution to the further erosion of dark night skies in the AONB would not be significant. The LVIA assesses the overall effects on visual receptors in the AONB as minor adverse and minor adverse/negligible CD2.22 LVIA Addendum para 7.3.2).

4.30 Soundscapes are referred to in the description of special qualities, noting the sounds of waves and the coast, running water, wildlife, sheep and cattle (p11, p14, p19, CD 6.10). From locations in the AONB overlooking the site and Torbay, it is not possible to hear the sea or running water, whereas road noise is evident (particularly from the John Musgrave Trail, but also at times from Firebeacon Hill). The LPA has not suggested that the proposal would lead to a noticeable increase in noise pollution and this has not been an area where concerns have been raised.

4.31 In conclusion, the site is not material in contributing to the quality of tranquillity as experienced in much of the AONB. In views from the AONB, the presence of intervening natural features and open countryside enhances the sense of perceived distance from built up areas and therefore increases the levels of relative tranquillity obtainable, but that sense of tranquillity is not absolute<sup>12</sup>, nor particularly rare in the context of views from high ground over urban areas in south west England.

4.32 Development of the site would not greatly impinge on the qualities and characteristics that contribute to tranquillity, natural nightscapes or natural soundscapes in the AONB.

**Special Quality: A variety in the setting to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and the southern Dartmoor**

4.33 Annex 4 of the AONB Management Plan (CD 6.10) sets out a rationale for the special quality of setting. The setting of the AONB provided by surrounding areas of land, sea and **urban settlement** is of great significance. Distant views include significant features not in the AONB. Distinctive characteristics are:

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<sup>12</sup> Eg, “the tranquillity promoted by a summer sunrise on a calm day on top of a high mountain...with no disturbance detracting from that state of mind” (LI Technical Note – Tranquillity, an Overview p3 CD 7.1)

- That Torbay and Plymouth are important components of the AONB setting and contrast strongly with the area's deeply rural nature.
- "Away from Torbay and Plymouth City, the principal character of neighbouring inland areas forming the setting of the AONB is one that is sparsely settled and deeply rural in nature."
- Rural largely undeveloped countryside, farmland and woodland is significant as setting for AONB.

4.34 The site is visible from the AONB and is within its setting, I am clearly not saying that in some viewpoints and at varying distances the development would not be capable of being seen, but any such views have to be appropriately judged. It is my professional judgement that the proposal would have only minor adverse or negligible landscape or visual effects on the setting of the designated area. Using the criteria for judging significance of effect in the submitted LVIA, it would not cause an obvious deterioration in the character of views from the AONB. It would not adversely affect the integrity of the special qualities of the AONB, either at a wide scale or in the local area<sup>13</sup>. In arriving at this conclusion, I have taken into account the sensitivity of the setting to development and the overall scale of effect on the setting of the proposal and the following considerations:

### **The nature of the setting**

4.36 Parts of the AONB setting are deeply rural in nature (for example, the countryside between the north of the AONB and Dartmoor). That is not the case in the setting north of the Dart Valley that includes the development site. The site sits within an area that already includes housing and other development in the form of Paignton, Brixham, Torbay. At a local scale both Galmpton and White Rock are prominent elements in the setting of the AONB. The proposal would be in keeping with the development context on the edge of Paignton. It would be respectful of the landscape pattern of green fingers following hilltops and local valleys (as illustrated in the isometric view at Appendix PL2.3 appended to this proof of evidence). The nature of the proposal is that it would be discernible but would not alter the overall balance of developed land and open countryside in the setting of the AONB. It would result in the introduction of a new feature in the view, albeit one that is not out of keeping with the character of the view and is responsive to the receiving landscape, the topography of the Torbay rim, local gaps between settlement and fingers of countryside interlocking with the edge of the town.

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<sup>13</sup> LVIA App. 1 tables LC4 and V4, pp1/16 – 1/19, (CD 2.46)

## Continuity of landscape character between the AONB and its setting

4.37 The Jacobs report, and the Torbay Landscape Character Assessment (CD 6.1 and 6.2), note the presence of a landscape “buffer” around the boundary of the AONB. Natural England Guidelines for Designation (CD 7.2 p24) recognise that designation boundaries are not necessarily a sharp barrier, but they do not suggest that there should be a buffer zone where development is not permitted. In consideration of setting, the guidance makes it clear that boundaries should follow readily identifiable features:

*“Transition areas: The boundary should not be expected to be a sharp barrier between areas of differing quality. Often there will be a transition of natural beauty and opportunities for open-air recreation across a sweep of land: in those cases the boundary chosen should be an easily identifiable feature within this transition. The boundary should be drawn towards the high quality end of the transition in a manner that includes areas of high quality land and excludes areas of lesser quality land ie it should be drawn conservatively. Visual associations may also be used to help define the extent of land for inclusion in these circumstances.*

*Types of boundary: Wherever possible, an easily distinguishable permanent physical boundary should be chosen. Boundaries should not if possible be overly complex or convoluted. Where a boundary follows a road, the road verges and embankments may be included in the designation where they blend into the wider landscape” 14*

4.38 There is a clear distinction between the landscape of the Dart Valley (to the south of the site) and the landscape of Inglewood and White Rock. VPs 3, 7, 19 show a distinct change between the steep slopes of the Dart Valley and the rolling landscape of the site, leading into the edge of Brixham and Paignton. Areas of the site proposed for built development are not on slopes that face towards the Dart Valley. There is a distinct difference between the landscape of the site and its surroundings and the landscape of the AONB. As a result, development in the setting of the AONB is less likely to have an effect on the intrinsic characteristics of the landscape of the designated area closest to the site.

## Views into the AONB

4.39 A view over the site is identified in the Brixham Peninsula Neighbourhood Plan in support of policy E3 (BPNP Appendix 3 CD6. p103) at the approximate location of VP 14. At the location of the identified vantage point, there is nothing on the ground to suggest that this is a place where people might linger to take in the view. The point is on a busy road, with only

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<sup>14</sup>Guidance for assessing landscapes for designation as National Park or AONB in England NE APP4 p29 (CD 7.2)



a short stretch of footpath at this point. There is no publicly accessible viewpoint on site and no public footpaths on the site.

4.40 The proposal would create new publicly accessible locations from which there would be views of the AONB (see Isometric figures, Appendix PL2.4 appended to this proof of evidence). From the view identified in the BPNP, views of the AONB would still be available over the top of the proposed development (VVM VP14). Views into the AONB would still be possible for travellers on Brixham Road and for the residents of Goodrington, the development would not block these views.

### **Views from AONB**

4.41 No views are available from identified public Vantage Points within the AONB<sup>15</sup>. Views are available from local roads and public rights of way. LVIA Fig 8 (CD 2.46), identifies the location of representative views as agreed at Scoping Opinion stage from within the AONB,). The LPA draws attention to views from the road and footpath between Dittisham and Cott Farm (VP5C/D) Firebeacon Hill (VPs 6 and 7), from the John H Musgrave Trail (VP8) and to a lesser extent from the road to Greenway (VP19). The LPA concede that all viewpoints are at some distance from the site (ref DP letter CD 4.26). In fact the closest of these to the site is VP19 – some 1.9km distant from the northern point of Nords Wood at the site boundary. VP8 is between 2.2km and 2.3km distant and VP7b is 3.5km from the site. At these distances, the proposed development, while noticeable, would form only a small part of the overall setting as perceived from the viewpoints.

4.42 In views from Firebeacon Hill (VP6 and 7, more than 3.5km from the site) the development proposal consists of a small proportion of the available view and would not break the skyline. In this view, from the other side of the River Dart, the setting of the AONB is seen as characteristically urban. The boundary of the designated area follows the upper line of the Dart Valley slopes (Appendix PL1). The proposal site is on flatter land, more associated with existing development on the edge of Paignton and visually separated from the AONB. Galmpton and White Rock are at either end of a strip of skyline development that is seen beyond the AONB boundary and above the steep slopes of the Dart Valley. Nords Wood is a noticeable feature in the centre of the view and is itself set back from the AONB boundary. The proposal would sit behind Nords Wood, further from the boundary of the designated area and less visually prominent than newer housing at Galmpton or the more recent developments

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<sup>15</sup> for example, viewpoints identified by the Ordnance Survey, identified landmarks.

at White Rock. The character of the setting as perceived at this distance from the site would be subject to minor adverse effects by the proposal.

4.43 Viewpoint 5D is similar to VPs 6 and 7, in that the proposal would make up a small proportion of a view where existing urban development is already a dominant element in mid and long distance views. The proposal would be seen as adjacent to housing on Brixham Rd, sitting below the skyline. It is perceptually no closer to the AONB boundary than either White Rock or Galmpton, to north and south of the site. The VVM (LVIA Addendum Appendix V Pt1 Figs 08-12 V5D CD2.46) illustrates the broad gap between proposed development and the edge of the AONB, where the land slopes towards the River Dart. The character of the setting as perceived from this viewpoint would be subject to minor adverse effects by the proposal.

4.44 Viewpoint 8 is indicative of the character of the setting as viewed from the John Musgrave Trail. The presence of the large built up area of Paignton and views over Galmpton are prominent features in the view and a major influence on the character of the setting of the AONB. The development would add another “tooth” to the emerging interlocking pattern of development to the west of Paignton, with development at Galmpton, Inglewood and White Rock integrated into the surrounding open countryside, which flows around each of the settlements. Nords Wood is again a notable feature in the landscape. The woods are well separated visually from the AONB boundary by open countryside and sit between the parts of the site proposed for development and the AONB. In this view the relationship between Galmpton and the AONB boundary is far more noticeable than that between the site and the designated area. The development would be a perceptible addition, but would not affect the urban character of the setting of the AONB. As with other viewpoints from the AONB, the development would not break the skyline.

4.45 Viewpoint 19 is a view from the road to Greenway, to the south of the site and within the AONB. In the existing view, housing at Goodrington and on Brixham Road is seen on the skyline in the setting of the AONB, albeit partially screened by intervening trees and woodland between the site and the viewpoint. The proposed development would be seen as a small, additional area of development below the skyline and connected to the existing edge of Paignton. Visually, it would be separated from the AONB by open fields and screened by the planting proposed as part of the scheme. Intervening woodland and hedgerow trees would break up the visible extent of the developed part of the site. The development would be a perceptible addition to the existing view but, particularly with proposed planting in place, it would have only a minor adverse effect on the character of the setting of the AONB from this location.

4.46 In conclusion, the site is seen as part of the urban setting of the AONB, not part of its deeply rural hinterland. The skyline is dominated by the urban areas of Torbay and that is the landscape with which the proposal site is most closely associated. The proposal does not encroach any more markedly on the AONB boundary than does existing settlement. In the views identified from the AONB on the John Musgrave Trail or from Firebeacon Hill and the south bank of the Dart, the development appears to be visually well separated from the upper slopes of the Dart Valley which form the AONB boundary. Development would result in only minor adverse and negligible effects on the the character of the setting of the AONB as a result.

**Special Quality: Iconic wide, unspoilt and expansive panoramic views**

4.47 Uninterrupted panoramic views offer a sense of remoteness, wildness and scale and vantage points that only contain natural features are a highly valued resource (AONB Management Plan Annex 4 p24 CD 6.10). The LPA in their statement of case draw attention in particular to views from Firebeacon Hill and the footpath to Dittisham (VP6 and 7), to the John H Musgrave Trail (VP8) and to views from the road to Greenway (VP19). In these views, the presence of the existing built up areas of Torbay is a significant element, dominating views to the west from Firebeacon Hill and to the North from the John Musgrave Trail.

4.48 What sense of wildness and remoteness there is in these long views is principally a function of distance from development and the perceptual separation caused by changes in the character of the intervening landscape. Both of these elements are covered in detail above. The proposal site is well separated from points at which it can be viewed in the AONB in terms of distance and perceptual separation.

4.49 The site would not interrupt the scale of views or the extent of landscape setting available to a visual receptor. The proposal does not block views of any landscape feature and does not break the skyline in panoramic views from the AONB.

**Special Quality: Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses**

4.50 The LPA contends that "*The application site merges with the slopes of the Dart Valley. There is no clear visual or functional distinction between the valley slopes and the AONB boundary*" (Landscape position statement, table 4)

4.51 It is my assessment that there is a clear distinction between the Dart Estuary, its slopes and the rolling farmland of the Torbay hinterland in which the site sits. The distinction is recognised in published landscape character assessments. The Devon Character Assessment draws a distinction between the Torbay Hinterland character area (including the

entire site) and the Dart Estuary CA, with the boundary following the AONB boundary on Waddeton Road, more than 500m south of the site (CD6.3). At the level of the Landscape Character Type (LCT), the site sits within LCT 3B, lower rolling farmland and settled valley slopes, separated from the Estuaries LCT 4A by steep river valley slopes, identified in the Devon Landscape Character Types mapping as LCT3G (CD6.3 and Appendix PL1).

4.52 The Estuaries LCT and Dart Valley LCA share characteristics, features and qualities noted in the AONB Management Plan (CD6.10, Annex4 p12) as distinctive characteristics of the AONB special quality, notably:

- Extensive areas of saltmarsh and mudflat;
- Wooded, steeply sloping valley sides, with some ancient woodland;
- Landform shape emphasised by wooded combs and tree lined streams;
- Unsettled apart from occasional waterside developments and historic settlements.

4.53 By contrast, the site and surrounding area is typical of the Torbay Hinterland Devon Character Area (CD 6.3). It is characterised by its proximity to the developed area of Torbay, a gently rolling landform and land cover that includes pasture and small woodlands. There is a clear visual separation between the site and the estuary. The wooded slopes of the Dart Valley form a strong boundary between the estuary and the higher, more gently undulating Torbay hinterland. Views from the west side of the valley show the distinction clearly. Particular attention is drawn to VPs 3 and 6 as examples of the distinct change in landscape character between the estuary and the surrounding landscape.

4.54 No intervisibility has been found between the river and the site and there is no indication that the development would have a direct impact on the landscape features of the Dart estuary noted in as distinctive to the Special Quality. In my assessment, the proposed development will have no material impact on this Special Quality.

#### **Special Quality: Deeply rural rolling patchwork agricultural landscape**

4.55 The LPA contends that "The rolling farmland backdrop to the AONB would be significantly altered" (Landscape Position Statement table 4).

4.56 The LPA's concerns in this regard appear to me to be about the issue of setting - which has been addressed in paras 4.33-4.46 above. My interpretation of the distinctive characteristics related to this Special Quality (as detailed in the AONB Management Plan, CD6.10 annex 4 p13) is that they relate to the physicality of landform, land use, land cover and vegetation within the designated area. The development proposal is outside the

designated area. I have seen no evidence that it have an adverse impact on land management practices, land use, land cover or settlement pattern which characterise this Special Quality within the AONB.

**Special Quality: A landscape with a rich time depth and a wealth of historic features and cultural associations**

4.57 The statement made by the LPA in table 4 of the position statement is: "*The LPA has not objected on grounds of harm to designated heritage assets. However the proposal would be a significant change to the character of the historic landscape, which is characterised by small settlements with a clear functional relationship to the Dart and much smaller hamlets in the open countryside.*" The distinctive characteristics of this Special Quality are detailed on P16 of annex 4 of the AONB Management Plan (CD6.10). The qualities note the arrangement of historic settlements close to waterside locations as well as at crossroads and bridging points. Locally, settlements at Waddeton, Greenway and Stoke Gabriel within the AONB display these characteristics.

4.58 The site itself is outside the AONB boundary and is in any case clearly separate from any of the historic settlements at Waddeton, Greenway or Stoke Gabriel. The site does not appear in viewpoints to have a visual or functional relationship with the Dart River and would not compete in landscape or visual terms with the historic settlements noted.

**Special Quality: An ancient and intricate network of winding lanes, paths and recreational routes.**

4.59 The LPA note in the landscape position statement (table 4) "*The site would be clearly visible from historic rights of way, including the John Musgrave Heritage Trail.*" There is no dispute that the paths that make up the John Musgrave Trail may have been in use by local people for many years, but the Trail itself was only established in 2010 and is a recent entity (para 3.3 above).

4.60 The distinctive characteristics of this Special Quality are set out on p18 of annex 4 of the AONB Management Plan (CD6.10). The characteristics relate to the layout of the road and track system, the character of roads systems (including high hedgebanks and sunken lanes) and features on the roads - such as tollhouses and mileposts. These are features that would be found within the AONB and would not be affected by development outside the designated area. The SQ also notes glimpsed views from gateways (that may be influenced by development outside the AONB) and notes the "*stunning walking experience*" of the South West Coast Path (SWCP). The rationale for the Special Quality notes that life is experienced at a slower pace when using the local road network and that the SWCP and the coastal margin

form a nationally significant resource and the primary recreation route in the AONB. The SWCP hugs the coast between Start Point and Torquay, apart from a short stretch where it runs inland to Dartmouth. No intervisibility between the SWCP and the site has been identified.

4.61 Views from footpaths and the road network are available from the AONB towards the site. VPs 5, 6, 7, 8 are representative of views from the footpath network within the AONB. The LVIA concludes that the visual impact of the development from roads and footpaths within the AONB would be minor adverse or negligible, a view with which I agree (CD2.22 tables 4a, 4b, 4c). In my assessment, the development would not have a significant adverse impact on this characteristic of this Special Quality.

### **The Glover Review**

4.62 The LPA, in their Statement of Case (para10.8), have stated that their case will refer to the Landscapes Review commissioned by DEFRA (known as The Glover Review). The Review (which does not form part of development plan policy) examined a broad range of issues around the way that national parks and AONBs are managed. To date, none of the recommendations of the Review have found their way into law or are reflected in local or national planning policy, but they clearly indicate the preferred direction of travel by the authors on protected landscape policy. To date, there has been no response from government to the Glover Review. A number of recommendations seek to strengthen the AONB role in the planning system and may be of interest to this appeal:

- A strengthening of the legal status of management plans is proposed<sup>16</sup>. For the reasons set out in this evidence and in the appellant's Statement of Case, the appeal proposals comply with the relevant policies of the Management Plan (LAN/P5 and LAN/P7) in that open skylines and open views out of and into the AONB are protected and that the quality and character of deeply rural land within the setting of the AONB is maintained.
- The Review recommends AONBs should be given powers to produce their own local plans and should have statutory consultee status<sup>17</sup>. In the development of the proposal at Inglewood, the South Devon AONB are already being treated, in effect, as a statutory consultee by the LPA and their views have clearly been given the utmost consideration in the LPA's treatment of the proposal.

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<sup>16</sup> Glover Review pp135 – 137 (CD 7.5)

<sup>17</sup> Glover Review pp60-61 Proposal 6: A strengthened place for national landscapes in the planning system with AONBs given statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework (P14) (CD 7.5)

- There are recommendations in the Review for new National Landscapes and for some existing National Parks and AONBs to extend their boundaries and join up with each other. None of these specific recommendations apply to the area of the appeal site.<sup>18</sup>

### **Conclusion on AONB**

4.63 It is accepted that the development is within the setting of the South Devon AONB. Statutory and other consultees have identified the special landscape qualities that could be sensitive to development outside the AONB. In each case, the site makes no or only a small contribution to those qualities. The site itself is outside the AONB boundary. There is a clear separation between the site and the closest parts of the AONB and the site itself is set back from the top of the Dart valley. The development will have a strong functional and visual relationship with the built up area of Paignton on the other side of Brixham Rd, but the proposal has been designed to maintain a clear countryside gap on the western edge of site to maintain distance and reduce influence on the edge of the Dart Valley and on the character of the AONB.

4.64 The development as proposed would have negligible or only minor adverse effects on the setting and special qualities of the AONB. Landscape and scenic beauty overall would not be adversely affected (ref NPPF para 172). In terms of Torbay Local Plan Policy SS8, the appeal proposal would not result in an unacceptable impact on the special qualities of the AONB.

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<sup>18</sup> Glover Review pp119 – 125 (CD 7.5)

## 5.0 The Effect of the Proposals on the Local Landscape Outside the AONB

5.1 The submitted LVIA assesses the effects of the proposal on landscape and visual receptors outside the AONB. The appellant’s Statement of Case summarises the results of those assessments and is not repeated here (CD 7.17). The inspector is asked to note that:

- With the exception of the potential effect on the setting of the AONB, there are no other designated landscape assets which are considered to be affected by the proposal.
- The development of the scheme was an iterative process, carried out in consultation with both the planning officer and the LPA’s first landscape advisor. At the conclusion of the process, the landscape officer was satisfied that there were “*no significant landscape effects*”, and the planning officer that the scheme was “*well landscaped*”.
- There is widespread, but not universal, agreement between the LPA’s second set of landscape advisors (Jacobs) and the submitted LVIA on the level of individual effects, as set out below: Jacobs carried out their own assessment of effects. Their methodology was based partly on the submitted LVIA methodology and partly on a Highways Advice note from 2010 (Interim advice note 135/10 CD6.49 Which pre dates the extant Guidelines for Landscape and Visual Impact Assessment). There is a high level of agreement or near agreement on effects between the two. The areas of substantial disagreement on effects are discussed elsewhere in my evidence.

table 4 comparison of Jacobs and NPA assessments of effect – visual receptors

<i>NPA Representative View (RV) no./Visually Verified Montage (VVM) no.</i>	<i>Jacobs Representative View (RV) no./Visually Verified Montage (VVM) no.</i>	<i>NPA Visual Receptor(s)</i>	<i>NPA Level of Effect</i>	<i>Jacobs Level of Effect</i>	<i>Agreement (Yes/No)</i>
<i>RV3/VVM3</i>	<i>RV3</i>	<i>VR2a-1</i>	<i>Minor Adverse</i>	<i>Minor Adverse</i>	<i>Yes</i>
<i>RV5A</i>	<i>RV5A</i>	<i>VR2a-2</i>	<i>Minor Adverse</i>	<i>Minor Adverse</i>	<i>Yes</i>
<i>RV6A, RV6B</i>	<i>RV6A</i>	<i>VR3a</i>	<i>Minor Adverse</i>	<i>Moderate Adverse</i>	<i>No</i>
<i>RV7A-RV7E</i>	<i>RV7A-RV7B</i>	<i>VR3a</i>	<i>Minor Adverse</i>	<i>Moderate Adverse</i>	<i>No</i>



<i>NPA Representative View (RV) no./Visually Verified Montage (VVM) no.</i>	<i>Jacobs Representative View (RV) no./Visually Verified Montage (VVM) no.</i>	<i>NPA Visual Receptor(s)</i>	<i>NPA Level of Effect</i>	<i>Jacobs Level of Effect</i>	<i>Agreement (Yes/No)</i>
<i>RV8A, RV8B, RV8C/VVM8C, RV8D</i>	<i>RV8C/VVM8C</i>	<i>VR3b</i>	<i>Moderate -Minor Adverse</i>	<i>Moderate Adverse</i>	<i>No</i>
<i>RV9A, VVM9A RV9B</i>	<i>RV9A/VVM9A</i>	<i>VR2b-3</i>	<i>Minor Adverse reducing to Minor Adverse/Negligible</i>	<i>Moderate Adverse</i>	<i>No</i>
<i>RV12, RV13, RV14</i>	<i>RV14</i>	<i>VR1a</i>	<i>Substantial-Moderate Adverse and Minor Adverse</i>	<i>Substantial Adverse</i>	<i>No</i>
<i>RV12, RV13, RV14, RV18</i>	<i>RV14</i>	<i>VR2c</i>	<i>Substantial-Moderate Adverse reducing to Moderate and Minor Adverse</i>	<i>Substantial Adverse</i>	<i>No</i>
<i>RV15/VVM15</i>	<i>RV15/VVM15</i>	<i>VR2d</i>	<i>Moderate Adverse reducing to Minor Adverse</i>	<i>Moderate Adverse reducing to Minor Adverse</i>	<i>Yes</i>
<i>RV16/VVM16, RV17</i>	<i>RV16/VVM16</i>	<i>VR2b-1</i>	<i>Minor Adverse/Negligible</i>	<i>Neutral</i>	<i>Yes</i>

5.2 Policy C1 refers to distinctive characteristics of the landscape by reference to the 2010 Torbay landscape Character Assessment. Part 1 of that document sets out the characteristics of the Rolling Farmland landscape character type (within which the site and much of the surrounding are sits) and Part 2 assesses the sensitivity of the landscape to development. The key characteristics noted in the Landscape Character Assessment can be summarised as:

- Rolling topography;
- Irregular pattern of field boundaries defining arable and pasture;
- Network of sunken lanes and high hedgebanks;
- Occasional wide views across the countryside;

- Thinly populated with nucleated hamlets.

5.3 In the northern part of the character type (Identified as Character Area LR1a in fig 6e of the LVIA CD1.22) the proposal would lead to a number of direct effects:- the loss of arable and pasture over the developed part of the site and the movement westwards of the developed edge of Torbay. The existing hedgerow pattern would be kept largely intact. Indirectly, views across the landscape would be changed (in particular from Brixham Rd, as VVM14 – CD2.46 illustrates) but the distant hills that make up a key part of views would still be visible. Direct effects identified would apply to much of the site itself and indirect effects would apply to views over the site from parts of Waddeton Lane, Brixham Rd and Goodrington. I am in agreement with the LVIA that these effects would be moderate adverse over this limited area.

5.4 The southern part of the character type has been identified as The Valley Side Landscape (LR1b) in the LVIA (CD1.22 fig 6e). The landscape slopes towards the Dart Valley and is considered to be of high sensitivity to the type and scale of development proposed. The area of the site within LR1b is identified on the Concept Masterplan as cattle grazed wood pasture and not for development. The changes to the landscape will be as a result of the strengthened green infrastructure and advance planting, both in keeping with the character of the farmed and wooded landscape. As a result, the overall level of effect is assessed as being negligible.

5.5 The LPA and Rule 6 party concerns, as stated in their respective statements of case, raise the issue of whether the site can be considered to be part of a “valued landscape” (NPPF para 170a) and the impact of the proposal on BPNP policies E3 and E6 (CD 6.17).

### **A Valued Landscape?**

5.6 The LPA SoC refers to the site being part of a “valued landscape”, referring perhaps to paragraph 170a of the NPPF. In relation to paragraph 170, it is noted that the site is not within a designated landscape and does not carry any statutory status. It does not contain an identified quality in the local plan (although it is included in the Neighbourhood Plan policies E3 and E6). It is also noted that Paragraph 11 footnote 6 of the NPPF does not include the term “valued landscape” as a designation.

5.7 The LPA and R6 Party have referred to a previous designation of the site as an Area of Great Landscape Value (Landscape Position Statement table 3). The AGLV designation was included in the previous Torbay local plan and in the former Devon County Structure Plan, (abolished by the Localism Act in 2011). Some local authorities have chosen to continue the designation in local plans (for example, neighbouring Teignbridge in policy EN2A of their 2013 – 2033 plan), but Torbay did not.

5.8 Qualities of the site and surrounding landscape are identified in the published landscape character assessments, as they are for all landscapes in Devon. The Devon Character Area (“DCA”) of Torbay Hinterland (within which the site sits) covers around 4,500 ha. The Assessment for the DCA refers to 7 special qualities<sup>19</sup>. Of these, only that relating to the role of the landscape as a setting to coastal resorts applies to the site and its surroundings.

5.9 The Torbay Landscape Character Assessment does not deal in detail with identified landscape qualities, but in the landscape sensitivity table for the area (1O, North Galmpton) the landscape quality is noted as being moderate medium overall, but “*Low in arable northern part*”<sup>20</sup> (an area that includes most of the site proposed for development). The same table notes that landscape value, when assessed against a sense of remoteness, scenic beauty, tranquillity and historic features, is assessed as low and moderate. These qualities and assessments of value are not remarkable within the Torbay landscape – of the 16 areas within the rolling farmland character type (to which the site belongs) described, 11 are assessed as being of moderate or higher scenic quality and 1O of being highly sensitive higher value. (CD 6.2).

5.10 The Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> edition) proposes an alternative method for assessing landscape value, based on judgements around landscape quality, scenic quality, rarity, representativeness, conservation interests, recreational value, perceptual aspects and associations. This seems to me to be a reasonable approach to characterise what constitutes a valued landscape. Appeal Judgements have accepted that this can be an acceptable method for assessing landscape value as para 170a<sup>21</sup>. I have assessed the value of the site and its host landscape against these aspects.

5.11 Landscape Quality – Hedgerows on site are intact, the landscape is well managed. The measures proposed under the Farm Management Plan and the LEMP will secure positive management of greenspace and the adjacent farmland in years to come.

5.12 Scenic Quality – There are significant detracting features to scenic quality in the landscape around the site. The DCA identifies the presence of main roads, significant light spill and the presence of the built up edge of Torbay (CD 6.3), all of which are noticeable in the area surrounding the site.

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<sup>19</sup> Torbay Hinterland Devon Character Assessment (CD 6.3).

<sup>20</sup> Torbay Landscape Character Assessment Pt 2 p35 (CD 6.2)

<sup>21</sup> FoDDC v SoS and Gladman (CD 8.14 para32), Stroud DC v SoS and Gladman (CD8.15)

5.13 Rarity – The site and surrounding area are characterised as Lower Rolling Farmed and Settled Slopes (Devon Character Type 3B). This type is not particularly rare in Devon and is found in East Devon, Teignbridge, Blackdown Hills, North Devon, West Devon, South Hams, Mid Devon and Plymouth districts as well as in Torbay (Devon Menu of Landscape Character Types – CD 6.3). No features or elements of particular rarity have been identified on site or protected by designation.

5.14 Representativeness – The site sits within an area that is valued as setting to the AONB. The DCA identifies the area as setting to the urban area of Torbay, but no particular features on site have been identified as important in those settings (ref Torbay Landscape Character Assessment pt 2 Fig14 CD 6.2)

5.15 Conservation Interests – Evidence on wildlife and ecology deals with this issue in more detail. The site hosts protected species but is not designated for wildlife interest. The Devon Historic Landscape Characterisation (CD 6.31) indicates that the site is made up of Barton Fields, described as “*relatively large, regular enclosures seem likely to have been laid out between C15th-C18th. Some curving boundaries may be following earlier divisions in the pre-existing medieval fields.*” The Characterisation mapping does not suggest that this field type has any particular cultural or historic significance and the site is not identified as comprising a designated or undesignated heritage asset. The field types are not of the rarest or most valuable type, such as remnant medieval strip fields.

5.16 Recreation Value - there is no public access to the site and Brixham Rd is a barrier to pedestrian access.

5.17 Perceptual Aspects – BPNP Appendix 3 (CD 6.17 p103) identifies a view over the site to the AONB in support of its policy E3 but there are no other valued or identified public views over the site. Other perceptual aspects such as wildness and tranquillity are degraded on site by its proximity to Brixham Rd, Paignton and the White Rock development.

5.18 Associations – no cultural or historic associations with the site have been discovered. Representations from members of the public cited associations with Agatha Christie and the proximity of the site to her property at Greenway House (now owned by the National Trust). There is no intervisibility between the proposal site and Greenway.

5.19 In conclusion, the site and surrounding countryside are pleasant, unremarkable rolling farmland. The area has some value as a setting for Torbay and the AONB, but the site itself is not particularly important in those roles. Perceptual and scenic qualities are degraded by the presence of nearby development and busy main roads. While the site has some value,

it cannot be described as a valued landscape in terms of the criteria set out in box 5.1 of the GLVIA3.

### **Landscape issues relating to the settlement gap (BPNP Policy E3)**

5.20 Brixham Town Council cite policies E3 and E6 of the Neighbourhood Plan in their Statement of Case, relating to the settlement gap and to views from particular vantage points.

5.21 BPNP Policy E3.1 defines a settlement gap to the north of Galmpton (CD6.17 map pages 10 &12). The southern boundary of the identified gap is not contiguous with the development boundary of the village, but is separated from it by 1 – 2 field widths (around 500m at the closest point). The requirements of the policy are not entirely focussed on landscape protection, but there is a landscape and visual element to the rationale for the policy. In order to satisfy E3, development has to meet the criteria of Torbay Local Plan policy C1 and to avoid visually or actually closing the gap between the urban areas of, in this case, Paignton and Galmpton. The extent to which the proposal complies with the landscape elements of policy C1 is addressed in paras 6.4 - 6.8 below and 5.2 - 5.4 above. It is for Mr Fitton to deal with the spatial planning issues of the policy but I have considered the visual aspects of policy E3.

5.22 Examination of the submitted VVMs (CD 2.46) in conjunction with site visits has persuaded me that the development would not lead to the closure of a visual gap between Galmpton and Paignton or between Galmpton and the appeal site.

5.23 VPs 8 and 9 illustrate the predicted visible extent of development in relation to the village of Galmpton and to development at White Rock. In both views, Galmpton is seen as a westerly offshoot of the built-up area of Paignton, there is little separation visible between the village and the larger settlement. The site is part of an area that visually separates Galmpton from the less distinct development at White Rock. With development in place (for example, VP9) a clear separation is still perceived between the village and the edge of the proposal site. The proposed orchard and allotments, along with recently established open space south of White Rock, maintains a visual separation between the proposal site and development to the north.

5.24 In VP 7, looking towards Galmpton from the west, the village is again perceived as an extension of Torbay, encroaching onto the edge of the Dart Valley and bounded to the north (the left hand side in the view) by open countryside, providing separation from housing on Brixham Rd. The submitted VVMs indicate that with the proposed development in place, there will still be meaningful visual separation between Galmpton and the Inglewood site. The

VVM confirms that woodland and pasture will visually separate the northern edge of Inglewood from White Rock when viewed from the footpath at Firebeacon Hill.

5.25 VP 11 is representative of views from housing on the northern edge of Galmpton, looking towards the site. Views are over open countryside with housing at Goodrington clearly visible on the near skyline and appearing to be visually connected to Galmpton. The VVM indicates that development on site will be visible running southwards from the housing at Goodrington and separated from Galmpton by a definable valley. I do not consider that the development encroaches visually on Galmpton to any greater extent than the existing development at Goodrington in this viewpoint.

5.26 The visual separation between Galmpton and the proposed development is maintained and protected by:

- The openness and undeveloped nature of the fields between the site and the village (including the so called “car boot field”), retaining an open visual characteristic to the area and maintaining visual separation between Galmpton and the proposal site;
- The proposed native woodland belt proposed as part of the green infrastructure plan on the southern and western edge of the proposal site (CD2.12), filtering views of the developed part of the site and creating a visual link between the well treed landscape of Brixham Rd and the open countryside to the south;
- The topography of the intervening undeveloped land. The shallow valley, falling and then rising again exaggerates the sense of separation between one place and another. The valley provides a corridor which visually connects Galmpton and the edge of Goodrington with the wider countryside.

5.27 It is my professional judgement that the visual separation demanded by policy E3 can be satisfied by the current proposal. A meaningful and appropriate visual gap can be maintained between Galmpton and Paignton should the appeal proposal be implemented. The proposal would not significantly harm the visual elements contributing to the discrete identity of Galmpton.

### **Landscape Issues Relating to Vistas and Viewpoints (BPNP Policy E6)**

5.28 Policy E6 of the BPNP has been cited as a putative reason for refusal. The policy requires views and vistas, valued by residents and visitors, to be protected. The accompanying text points to published landscape character assessments, the Village Design Guides and Brixham Urban Fringe Landscape Study as containing rationale and examples of these views. The Neighbourhood Plan (BPNP Appendix 3 in relation to policy E3) identifies a

view from Brixham Rd across the site to the AONB, roughly on the point of the submitted VPs 13 and 14.

5.29 The Independent Examiner for the BPNP commented on the lack of clarity in the ellipses used to identify the settlement gaps (p46-47 CD 6.5) and recommended an alteration to the original policy to reference views identified in the evidence documents supporting the BPNP (p51 CD 6.17). I can find no explicit reference to views from Brixham Rd over the site towards Galmpton or the AONB in either the Galmpton Design Guide nor the Brixham Urban Fringe Landscape Study. The annotated map at P7 of the Galmpton Design Guide identifies “*excellent rural views south west*” from the west facing part of the village above Stoke Gabriel Rd. Such views would not include the site and there is nothing else in the Statement that draws attention to views towards the site or from Brixham Rd.

5.30 The Torbay Landscape Character Assessment pt1 contains a landscape analysis, in broad terms, of the important physical and perceptual features affecting the landscape of the district (fig 14 p30 CD 6.1). The analysis identifies primary ridges defining the setting of Torbay, prominent hilltops and important viewpoints, among other features. The analysis does not highlight the low ridge on site being of particular importance in the setting of the town nor does it identify particular viewpoint. Part 2 of the Torbay Landscape Character Assessment notes “*long distance views to the south west to hills beyond the Dart within the AONB*” from the northern part of AoLC 10: North Galmpton, which covers the site (CD6.2 p34).

5.31 Of the Viewpoints identified in the submitted LVIA, VPs 13 and 14 are in the vicinity of the photograph illustrated in App3 of the BPNP and look over the northern part of the AoLC10. Brixham Road in this location has only short stretches of pavement on the east side and none on the west side. Pedestrian circulation is via a footpath a few metres from the road on its eastern (seaward) side, set among mature trees that obscure views westwards towards the site and the AONB beyond. For much of its length, the road is also bounded by trees on the western boundary. Just to the north of the BPNP viewpoint, the footpath drops down and onto the road at the entrance to a short run of houses before diverging from the road again behind a high hedgerow. VPs 13 and 14 are situated in this short, open stretch. The VPs illustrate open views across the site towards Fire Beacon Hill and the high ground on the other side of the Dart Estuary. There is a visual separation between the near / mid distance rolling farmland and the distant steep slopes on the other side of the Dart Estuary. The intervening area, which includes the closest parts of the AONB to the viewer, is not visible from either of these viewpoints as the land drops away steeply towards the Dart river.

5.32 Views from this short stretch of road would be changed as a result of the proposed development. The VVM on VP14 (CD2.46 Appendix V part 3) is an indication of the extent of the change. Public views to the hills beyond the River Dart are maintained, visible above the proposed development. The effect of the change on visual receptors in the vicinity is assessed by the submitted LVIA as moderate and minor adverse when the site is in operation.

5.33 The proposal would also create new publicly accessible locations from which there would be views of the AONB (see Isometric figures, Appendix PL2.4 appended to this proof of evidence). The countryside access route, running north to south on the western side of the development (GI Plan – CD2.12) will allow views westwards from the site, over the Dart Valley and towards the skyline hills in the AONB. These views would be glimpsed through trees and hedgerows from the northern part of the site and be over cattle grazed wood pasture on the southern part of the site.



## 6.0 Policy Compliance

### National Planning Policy Framework

6.1 Paragraph 170: It is suggested by the LPA that the site sits within a valued landscape, the issue of value is covered in detail in paras 5.6 to 5.19 above. Planning Practice Guidance notes that where landscapes are considered to have a particular local value, policies should identify their special characteristics (Paragraph: 036 Reference ID: 8-036-20190721). The site is not covered by any such local plan policies specific to the site.

6.2 In footnote 6 to paragraph 11, valued landscapes are not one of the areas or assets of particular importance noted. Landscape character has been considered and recognised throughout the development of the proposals, and the effects of the proposals on the character and appearance of the countryside within the study area are not considered to be significant.

6.3 Paragraph 172: The development is not within the AONB, so the second part of para 172 does not apply. The first part of the paragraph is relevant and should be carefully read, it states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. In so far as impacts may occur as a result of the proposal, they are indirect and outside of the AONB. It is necessary to have regard to them, but (although this is principally a matter for Mr Fitton ) in policy terms they do not seem to be addressed in the same way or given the same significance as direct impacts. Residual landscape effects, effects on special qualities and visual effects are related to the setting of the AONB. Those residual effects have all been assessed by the LVIA and found to be not significant – a judgement with which I concur.

### Torbay Local Plan

#### Torbay Local Plan Policy C1

6.4 The first part of the policy resists the loss of open countryside, the creation of urban sprawl and the merging of urban areas and surrounding settlements to the detriment of their special rural character and setting. These are matters that are mainly dealt with by Mr Fitton in his evidence as is the issue of the planning balance to be applied. In simple terms, though, it is clear to me that the proposed development results in the loss of what is currently open countryside.

6.5 The Planning Glossary refers to Urban Sprawl as “*The uncontrolled or unplanned extension of urban areas into the countryside*” The proposal has been planned with the conservation of landscape character as a core consideration. Section 3 of this PoE sets out the approach to design development that has resulted, in my judgement, in a coherent, well

considered proposal as set out in the Green Infrastructure Plan, Context Masterplan and Urban Design Regulatory Plan. I do not consider the proposal to be unplanned in the context of its response to the local landscape.

6.6 The proposal as indicated in the masterplan and green infrastructure plan has taken account of the separate identity of Galmpton to the south and Paignton to the east. I have set out in paras 5.20 to 5.27 my detailed assessment of how a meaningful and appropriate landscape and visual gap is maintained between Galmpton and Paignton.

6.7 The final paragraph of the policy includes a requirement for the LPA to have regard to the need for protection, conservation or enhancement of distinctive landscape characteristics and visual quality. The policy references the 2010 Torbay Landscape Character Assessment (CD6.1&6.2). Proposals have been designed with the conservation of landscape character as a core consideration (as set out in section 3 of this proof). The submitted LVIA and Part 5 of this proof of evidence sets out the extent of adverse impacts on the landscape characteristics of the area. For the site itself and the area immediately surrounding, the operational effects are assessed as moderate adverse. Elsewhere within the open countryside area subject to policy C1 and within the influence of the proposal, effects are assessed as negligible or minor adverse to negligible.

6.8 With regard to the requirements of Policy C1, although the scheme will lead to the loss of open countryside, the loss would be modest. The proposal has been designed to be well related to the existing urban edge and to have regard to the separate identity of Galmpton. The proposals have been designed to preserve landscape character and include green infrastructure related to the local landscape, but, as might be anticipated, there remain residual adverse landscape effects on the local landscape around the site. As such, I cannot say that the proposal is in full accord with policy C1. The weight to be given to the areas where the proposal does not comply is a matter for Mr Fitton.

### **Torbay Local Plan Policy SS8**

6.9 Policy SS8 covers ecological and land management aspects of development as well as issues relating to landscape. Part 1 of the policy is dealt with by Mr Harvey and part 2 is not relevant (as it relates to development within the AONB). The 3rd part of Policy SS8 deals with development proposals outside the AONB and is relevant to the appeal proposal. The policy notes the importance of ensuring that development outside the AONB does not have an unacceptable impact on the special landscape qualities of the AONB. The proposal site makes no or only a small contribution to those qualities that are sensitive to development within the setting of the AONB. The appeal proposal would cause negligible or only minor

adverse impacts on those qualities. The policy test is whether those residual impacts do not have an unacceptable impact.

6.10 Part 4 of the policy relates to the provision of long term land management practices, again a matter more for Mr Harvey than me, except to point to the Green Infrastructure Strategy for the scheme (CD2.12) which will safeguard and enhance landscape attributes and features including hedges and hedge banks, mature trees, woodland copses and belts, views out from the development and areas of open land.

6.11 Overall, I consider that the development proposals are in broad accord with policy SS8 in so far as they address the landscape requirements of the policy.

### **Torbay Local Plan Policy SS9**

6.12 Green Infrastructure Criteria (a - f) listed under policy SS9 are all incorporated and reflected in the scheme design. The scheme has been designed with the provision of green infrastructure as a central consideration. Multifunctional greenspace, public open space and access were incorporated into the scheme from its earliest iteration. Safety, amenity and usability of open space and wildlife corridors have also been considered and green infrastructure is incorporated to mitigate for loss of foraging habitat and/or any linear features. Existing tree planting is maintained and increased in various forms. The scheme also delivers and effectively integrates the local plan countryside access and enhancement scheme, identified at policy SS9.3. The scale and extent of the proposed development otherwise limits the effect on a mineral safeguarding area and areas of best and most versatile agricultural land.

### **Torbay Local Plan Policy SDB1: Brixham Peninsula and Policy SDB3: Brixham Urban Fringe and Area of Outstanding Natural Beauty**

6.13 The framework for development in Brixham is set out in policy SDB1 and is dealt with in Mr Fitton's evidence. The second part of the policy requires that development will be acceptable only if it can be accommodated without prejudicing the integrity of the AONB. Policy SDB3 requires the AONB around Brixham will be conserved and enhanced to protect its intrinsic landscape and biodiversity value. The proposal site is not within the AONB and is not directly adjacent to its boundary. The site is within the setting of the AONB, but the proposal would have negligible or only minor adverse impacts on those qualities that are sensitive to development within the setting of the AONB.

### **Brixham Peninsula Neighbourhood Plan**

#### **Policy E1 Landscape Beauty and Protected Areas**

6.14 The policy is in five parts, dealing with both landscape and ecology matters. I have addressed those areas of the policy which relate to landscape.

6.15 E1.1 requires natural beauty, landscape character and tranquillity to be preserved and enhanced. New development is expected to respect those qualities “wherever possible”. The policy references a number of documents, that which is relevant to the appeal site is the Torbay Landscape Character Assessment (CD6.1, 6.2). Development proposals have taken account of local landscape characteristics as noted in the LCA (see sections 3 and 5 of this proof of evidence and paras 5.2 – 5.34 above). The new development respects these characteristics and qualities and will enhance features through delivery of the Framework Landscape and Ecological Management Plan (CD 2.21), Farm Management Plan (CD 1.19) and EIA based landscape mitigation strategy (CD 1.17 paras 6.4.3 – 6.4.10).

6.16 E1.2 requires the protection of the Area of Outstanding Natural Beauty, among other designations. E1.3 requires that development within or impacting on the AONB must demonstrate that great weight has been given to conserving and enhancing landscape and scenic beauty. Reference is made to national and local policy and the AONB Management Plan. National Policy, in terms of the Framework, is discussed at para 6.1-6.3 above. Local Plan policy SS8 is relevant to the AONB – the landscape effects of the proposal on this policy are discussed at para 6.9 – 6.11.

6.17 The AONB Management Plan is helpful in detailing a series of Special Qualities which define the unique natural beauty for which the area is designated (CD6.10 Annex 4 p9). The site is not in the AONB, but Special Qualities that relate to the setting of the AONB are relevant for consideration. I have detailed in section 4 of this proof of evidence the reasons why I consider that the site makes no or only a small contribution to those qualities and why the appeal proposal would have no or only minor adverse impacts on the special qualities of the AONB.

6.18 E1.4 appears to invoke policy C1 of the Local Plan in protecting and enhancing the countryside. As is noted above, C1 is not wholly a landscape policy, but those elements of it which have a landscape or visual dimension are addressed in paras 6.4 – 6.8 above.

6.19 E1.5 requires that the development should not harm protected landscape characteristics including dark night skies and tranquillity. The explanatory text to the policy refers to the protection afforded to the AONB by national and local policies. I have detailed in section 4 above the reasons why I do not consider that the site makes any great contribution to the qualities of tranquillity experienced in the AONB and the reasons why its development

as proposed would have little effect on the qualities and characteristics that contribute to tranquillity. In particular, the effect of the proposal on the dark night skies of the AONB is assessed as being minor or minor adverse / negligible (para 4.29 above).

6.20 Great weight has been given to conserving the landscape and scenic beauty of the AONB through the development of the proposals (as set out in section 3 of this proof of evidence and in the appellant statement of case). The submitted LVIA and addenda conclude that the residual indirect landscape and visual effects on the South Devon AONB are not significant.

### **Policy E2 Settlement Boundaries**

6.21 Policy E2 appears to deal with land use planning rather than landscape matters and is therefore not something on which I can comment. The policy refers to Local Plan Policy C1, whose landscape dimension is dealt with above.

### **Policy E3 Settlement Gaps**

6.22 The Settlement Gaps policy is not entirely a landscape policy, but it does deal with the visual functions of the settlement gap in retaining local character and preserving the discrete identity of individual villages through providing an open characteristic to an area, providing separation and corridors which physically connect and interact with the wider landscape. The explanatory text to the policy is clear that its purpose is to protect the separation of Galmpton from the urban area of Paignton.

6.23 Most of the site area proposed for development sits within the identified settlement gap, as shown on the BPNP policies map 11 (although the closest area of proposed development to Galmpton is outside the settlement gap policy boundary). In spite of this, my assessment is that the proposal does not offend the purposes or rationale of the policy as set out in paragraphs 5.20 to 5.24 of the BPNP, in as far as they relate to landscape and visual considerations. I have detailed above the reasons why I have come to this conclusion (paras 5.21 – 5.27) which can be summarised as:

- The open characteristic of the area is retained by the visual separation between Galmpton and the proposed development. The valley between the edge of the village and the developed part of the site draws the eye towards views of the distant upper slopes of the Dart Valley in the AONB:
- The physical separation between Galmpton and the developed part of the site is visually accentuated by the topography of the intervening landscape – falling and then rising to exaggerate the sense of separation.

- The proposed native woodland belt proposed as part of the green infrastructure plan on the southern and western edge of the proposal site (CD2.12), filters views of the developed part of the site and, with the effect of the intervening valley, creates a distinct edge to the proposal, protecting the discrete identity of Galmpton;
- The valley and green infrastructure proposed for the appeal site creates a visual link between the well treed landscape of Brixham Rd and the open countryside to the south.

6.24 The visual functions of the Settlement Gap identified in Policy E3 of the BPNP will continue. The scheme extent and design strategy maintains views to distant landscapes and open characteristics where they are most important. It will create new positive open spaces and provide other distant views from an extended public access network. The extent of the proposed development avoids and safeguards the hill which provides separation between this area, White Rock to the north and the valley finger of open space between the site and Galmpton. This valley and the, to be wooded, hill top/ridge alongside White Rock maintain positive Green Infrastructure corridors which physically connect the urban area to and interact with the surrounding countryside. Furthermore, the principle is that they provide a clearly defined physical and visual feature which provides *‘a clear and distinctive experience of leaving one settlement behind, passing through another quite different area (the Gap) before entering another quite separate settlement’*<sup>22</sup> a principle established through local plan policies elsewhere in the UK. The Fareham Landscape Assessment (2017 – CD6.9) describes succinctly and helpfully the nature of a settlement gap.

#### **Policy E6: Views and Vistas**

6.25 Policy E6 in the Neighbourhood Plan highlights that views to and from the sea or the River Dart and public views of the townscape, seascape, landscape and skyline are valued by residents and visitors alike. The policy requires proposals which affect these views to demonstrate that landscapes are safeguarded and applications to be accompanied by a visual impact assessment.

6.26 The policy refers to views identified in, among others, the Galmpton Design Statement, the Landscape Character Assessment (LCA) and the Brixham Urban Fringe Landscape Assessment. There is no reference to particular views across or from the site in the Galmpton Village Design Statement or the Brixham Urban Fringe Landscape Assessment. The Torbay LCA references *“long distance views to the south west to hills beyond the Dart*

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<sup>22</sup> Quote taken from the Fareham Landscape Assessment Part 3, 2017, (CD 6.9)

*within the AONB*” from the northern part of AoLC 10: North Galmpton. No particular views or vistas are identified on the Neighbourhood Plan Map in relation to the policy.

6.27 The appeal proposal has been founded on a formal landscape and visual assessment as part of the Environmental Statement. The proposal accounts for and safeguards public views out across the site toward Fire Beacon Hill in the South Devon AONB from the northern stretch of the A3022. The extent, layout, design and mitigation proposals for the scheme respect views over the site towards Torbay from the AONB. The scheme design minimises these effects and also establishes a well-defined new settlement edge in a manner that is responsive to the capacity and strategy for this landscape (North Galmpton Rolling Farmland AoLC 10) as defined within the Torbay Landscape Character Assessment, May 2010 (Part 2, p 35 CD 6.2.). The proposals will open up more public views towards the River Dart, the skyline of hills in the AONB and undesignated landscape from areas of the site to which there is currently no public access, as indicated on the figures in Appendix PL2.4 of this proof. In my judgement, the proposal is in accord with policy E6. The characteristics of the view identified in the LCA are safeguarded in that views of the hills beyond the River Dart are maintained.

#### **The South Devon AONB Management Plan 2019-2024**

6.28 The South Devon AONB Management Plan (CD6.10) is invoked in a number of the development plan policies noted above. The current Management Plan (along with its 7 annexes) is an extensive document that comprises a detailed evidence base and strategy that seeks to ensure that the AONB is conserved, managed and enhanced to support and benefit present and future generations. Of particular relevance to the appeal are annexes 1 (Planning Guidance) and 4 (Understanding Special Qualities). Both are helpful documents in the assessment of potential effects of development outside the AONB.

6.29 The Management Plan also contains a range of policies that, while they are contained within a statutory document, are not in themselves Development Plan policies. The LPA has identified several that are relevant to the appeal (Landscape Position Statement table 1):

6.30 Plan/P2 supports development that is appropriate to its setting adjacent to the AONB. Lan/P1 supports the conservation and enhancement of the special qualities, character and features of the AONB; Lan/P4 seeks to protect and enhance tranquillity, Lan/P5 to protect skylines and open vistas into and out of the AONB and Lan/P7 seeks to maintain the deeply rural character of much of the land adjoining the AONB boundary.

6.31 As is detailed in this proof of evidence (section 3, section 4), the appeal proposal has been developed in a way that is sensitive to the setting of the AONB and has sought to avoid

and minimise harm to those special qualities that could be affected by development outside the designated area. Section 4 of this proof concludes that the proposal site does not greatly contribute to the sense of tranquillity experienced by those in the AONB and that its development would have little effect on tranquillity or dark night skies in the AONB. The development has been designed so as to have no effect on the character of skylines within the AONB or on the openness of views from the AONB. There will be some change to the views towards the AONB from areas close to the site, but views of the skyline hills above the Dart Valley will remain and the proposal will create new, publically accessible areas from which the AONB can be viewed. The site is not in an area that could be described as the “deeply rural” setting of the AONB – it is on the edge of the urban area of Torbay that also forms part of the setting of the designated area, its development would not affect the character of deeply rural land elsewhere on the boundary of the AONB.

6.32 In my professional judgement, the proposal complies with the landscape and visual elements of the AONB Management Plan.



## 7.0 Conclusions

7.1 The conservation of landscape character has been a core consideration in the development of the proposals for the site. It is my view that the proposals represent a coherent, well considered design that responds to its landscape context. The proposals have been developed alongside a thorough and objective LVIA, whose conclusions I endorse. The LVIA meets the requirements of the GLVIA3 guidance in that it specifies the nature of the proposed development, describes the existing landscape and visual baseline, predicts the effects as a result of the proposed development, makes an assessment of their significance and considers how the effects can be mitigated.

7.2 Issues raised by the LPA and R6 party relate to the alleged impact of the proposals on the setting of the AONB and its impact on landscape character and policies on the landscape outside the AONB. It must be remembered that the appeal site is not within the designated AONB and that any residual effects identified would be indirect. The development as proposed would have negligible or only minor adverse effects on the setting and special qualities of the AONB and those effects have been found to be not significant. Landscape and scenic beauty overall would not be adversely affected and the appeal proposal would not result in an unacceptable impact on the special qualities of the designated area. It is my assessment that the development proposal accords with the landscape and visual objectives of the NPPF in relation to the setting of the AONB, Local and Neighbourhood Plan policies SS8, SDB1, E1 as they relate to AONB setting, Policy E6 relating to views to and from the AONB and landscape policies of the AONB Management Plan in relation to setting.

7.3 The site is not within an area that can be considered to be a valued landscape (NPPF para 170) and the impact of the development proposal on the landscape outside the AONB has been assessed as being not significant. The proposal landscape and green infrastructure strategy has been developed to minimise adverse effects on distinctive landscape character of the countryside to the west of Torbay. The proposal delivers local plan countryside access and enhancement scheme, identified at policy SS9.3. The scheme has been developed with consideration given to the opportunities for green infrastructure, it incorporates Green Infrastructure criteria listed in policy SS9.

7.4 The proposal will lead to some loss of open countryside and will result in moderate adverse effects on local landscape character in some areas close to the site. For that reason, it does not fully accord with all the landscape elements of Local Plan policy C1. Elsewhere in

the local area landscape and visual effects are minor adverse or negligible; The scheme layout and design is well related to the existing urban edge of Paignton and is respectful of landscape character. The separate identity and character of surrounding settlements are retained and to that extent the proposal is compliant with other landscape objectives of policy C1 .

7.5 The site is within the area identified in the Brixham Neighbourhood Plan Policy E3 as a settlement gap whose purpose is to protect the separation of Galmpton from the urban area of Paignton. It is my assessment that, notwithstanding the apparent conflict, the development does not offend the purposes of the policy in landscape or visual terms in that visual separation and the open character of the area is maintained and visual links to open countryside are retained from the village, Brixham Rd and the site.

7.6 Given the above, my assessment is that the scheme is broadly consistent with the objectives of the Local Plan, the Neighbourhood Plan, the AONB Management Plan and the NPPF in relation to landscape and visual matters.

**Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. Details of access to be determined with all other matters reserved**

**LPA Reference P/2017/1133**

**PINS Ref APP/X1165/W/20/3245011**

**Appendices to Proof of Evidence on Landscape and Visual Matters of Peter Leaver BA(Hons) Dip LD CMLI. Director, David Wilson Partnership**

**PL1 Landscape Character Areas**

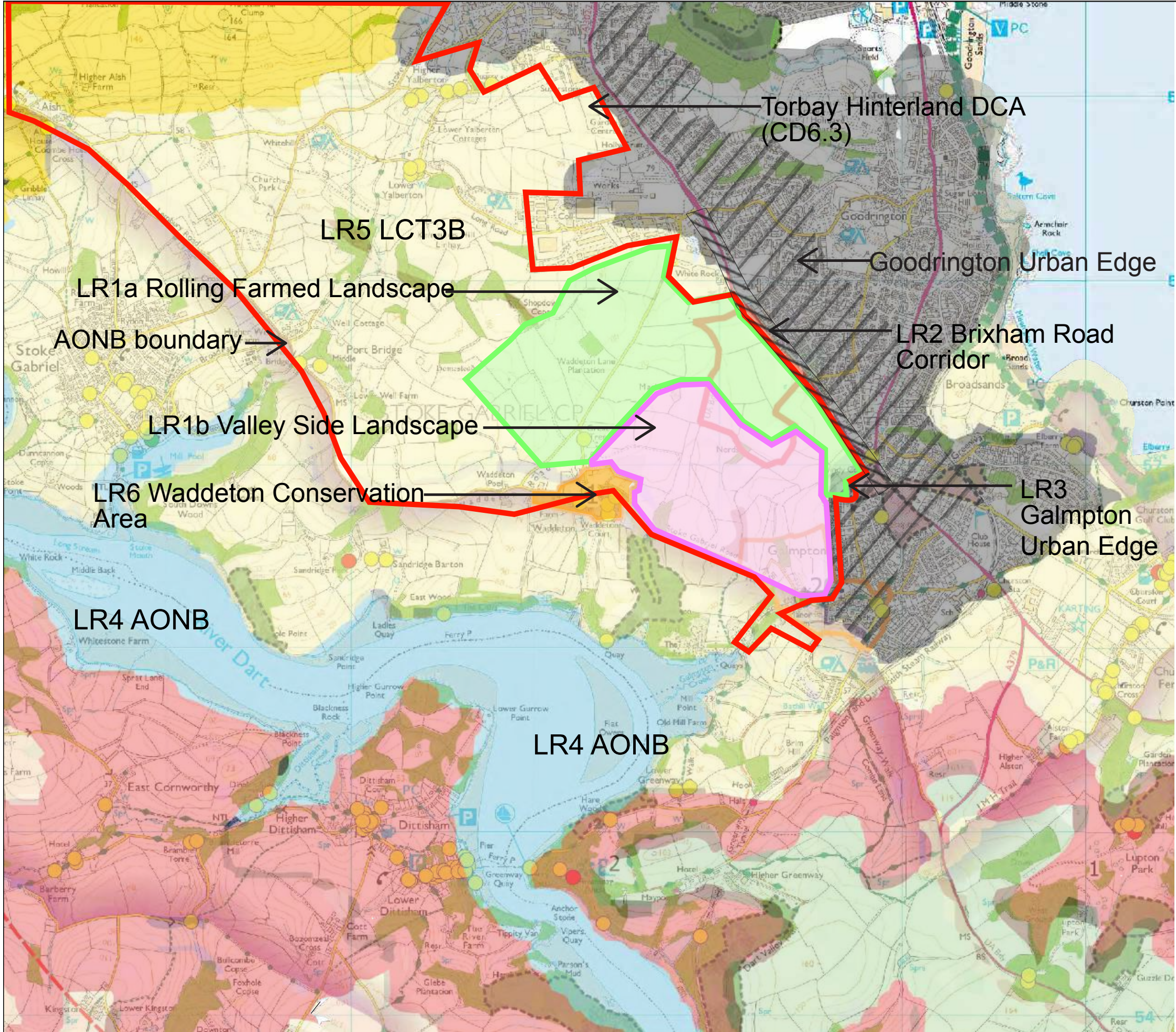
**PL2 AONB Boundary and Site Topography**

**PL3 Examples of Tree Growth**

**PL4 Viewpoints with AONB Boundary Superimposed**



Appendix PL 1  
 Landscape Receptors  
 Mark up on LVIA figure 6d  
 (CD1.22)



- Landscape Character Types**
- 1B Open coastal plateaux
  - 1D Inland undulating uplands
  - 1E Wooded ridges and hilltops
  - 2B Coastal scarp slopes and combs
  - 2C River valley slopes and combs
  - 2D Moorland edge slopes
  - 2E Steep wooded settled scarp slopes
  - 3A Upper farmed wooded slopes
  - 3B Lower rolling farmed and settled slopes
  - 4A Unsettled farmed valley floors
  - 4B Unsettled marine levels
  - 4C Estuaries
  - 4D Lowland plains
  - 5 Coastal cliffs
  - 6 Inhabited islands
  - Urban

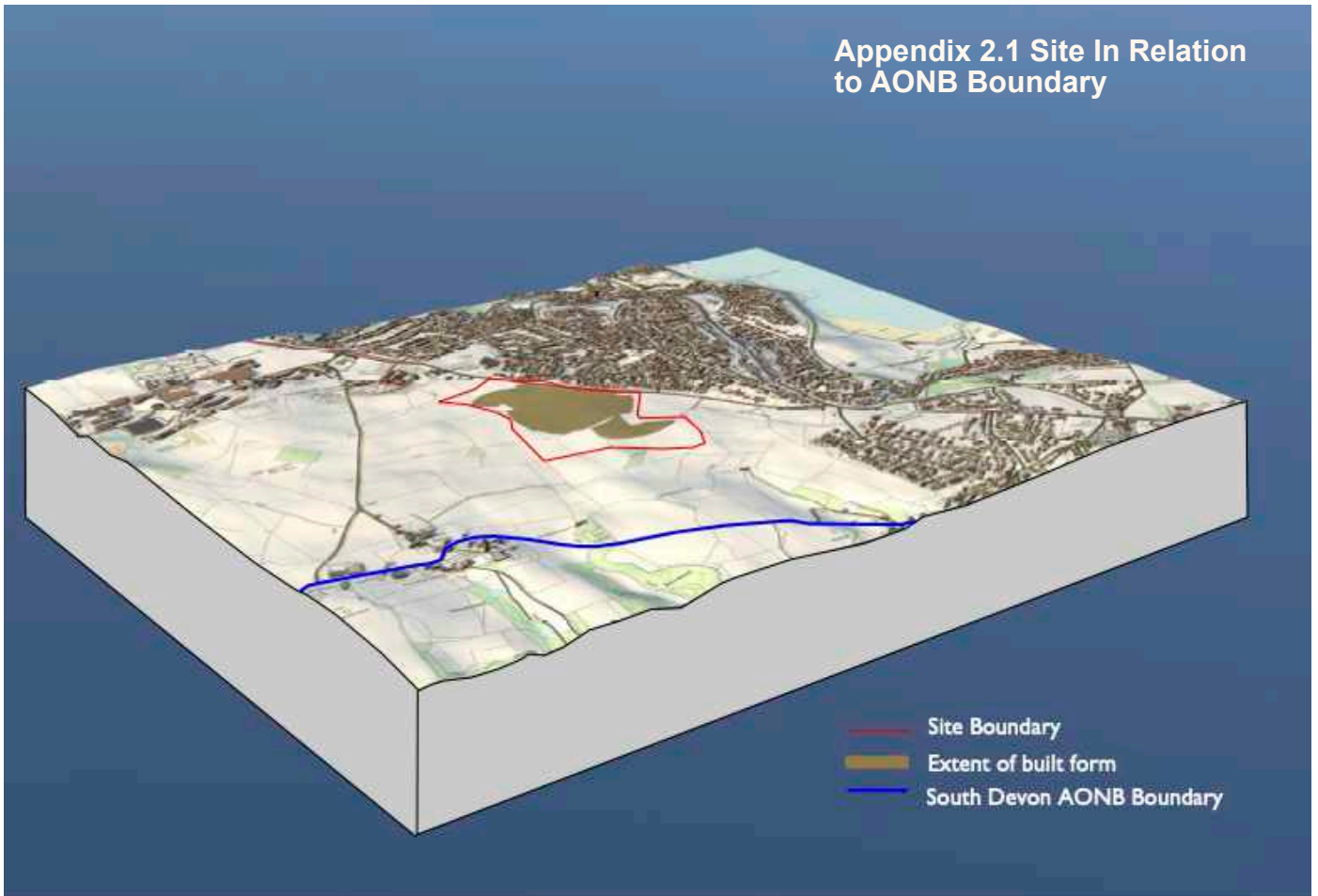
PROJECT NO:	10874ABA	CLIENT:	ABACUS PROJECTS LTD.	FIGURE NO:	6d
DATE:	October 2017	PROJECT:	INGLEWOOD, PAIGNTON LANDSCAPE & VISUAL IMPACT ASSESSMENT	TITLE:	Landscape Character Areas (page 2)
ISSUE STATUS:	PLANNING				



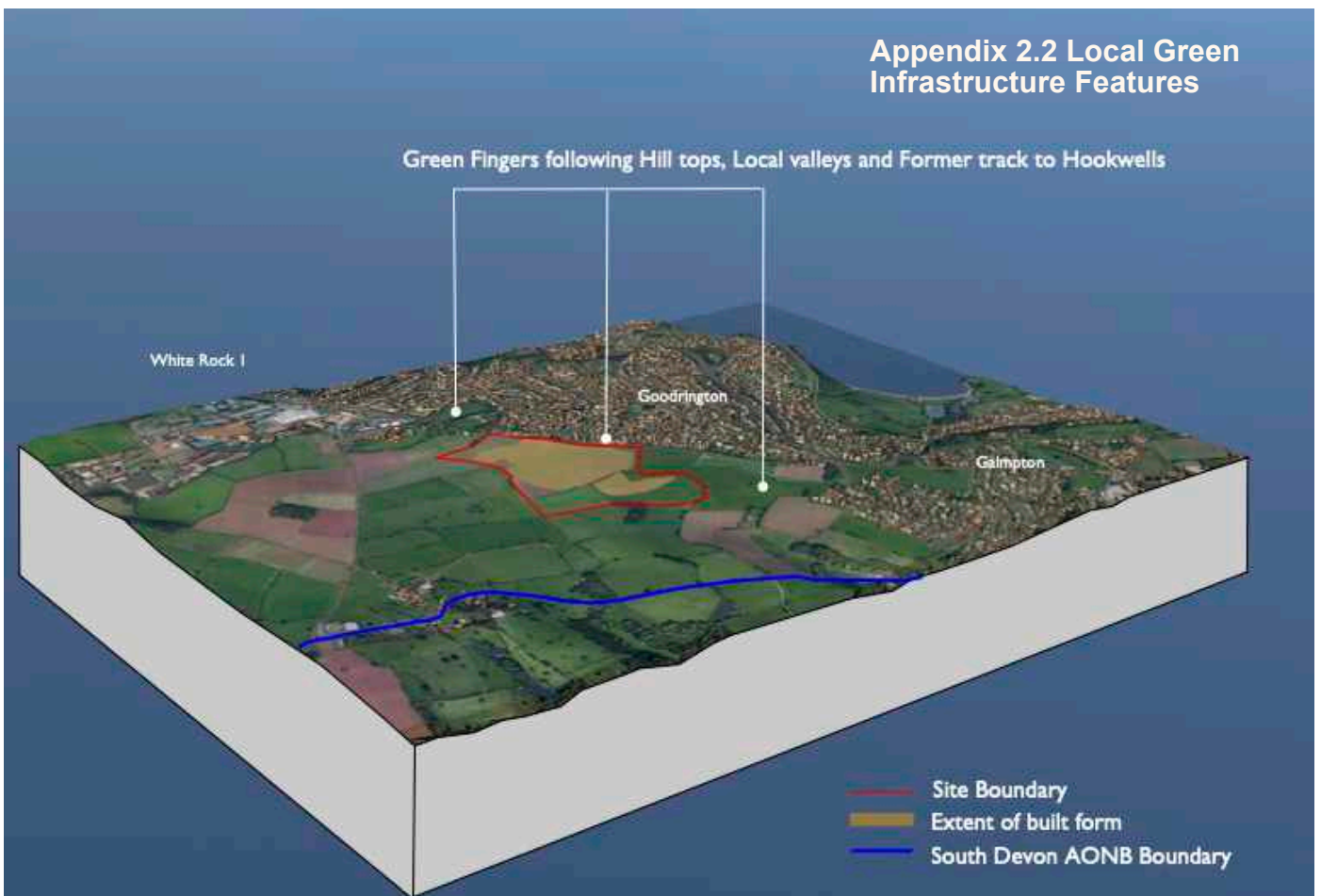
## Appendix PL 2

Isometric Projection of The Site in Relation to the AONB  
Boundary

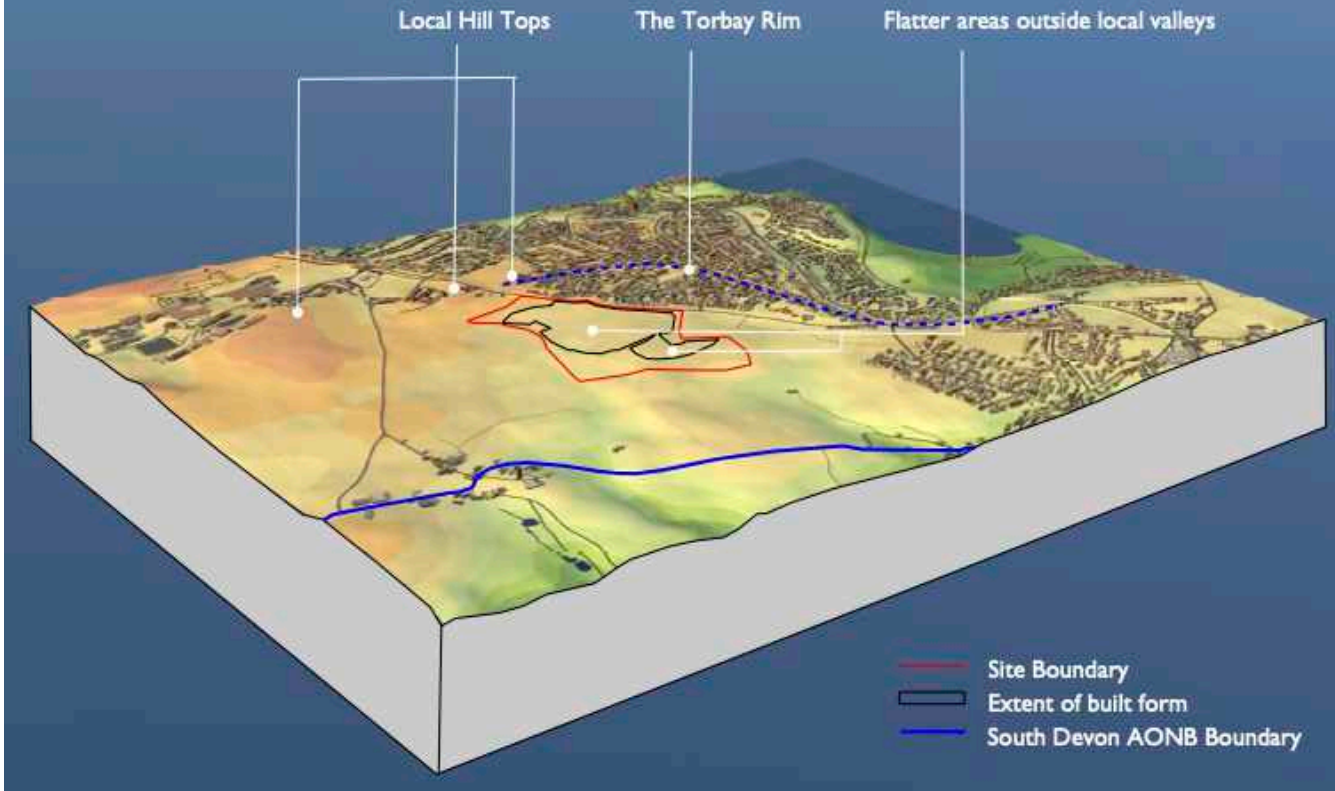
## Appendix 2.1 Site In Relation to AONB Boundary



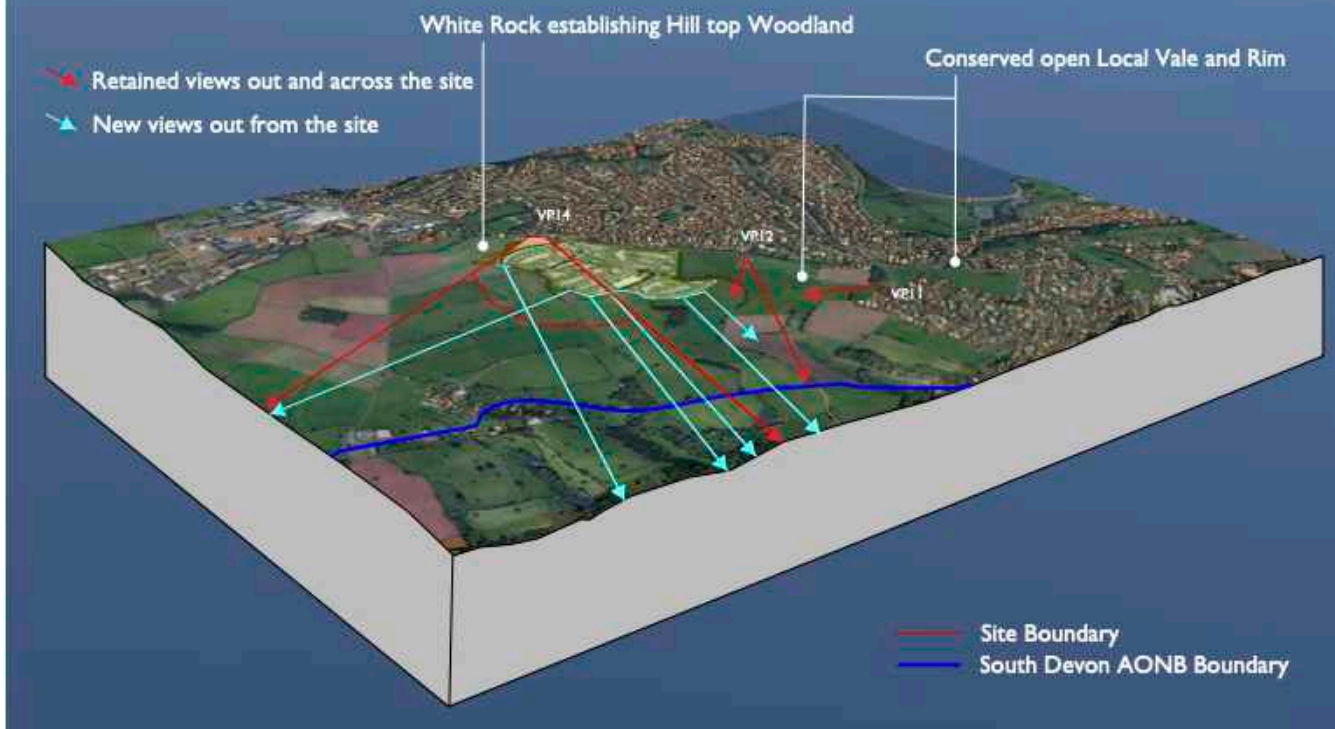
## Appendix 2.2 Local Green Infrastructure Features



### Appendix 2.3 Local Topography



### Appendix 2.4 Indicative New Public viewpoints from Site to AONB



## Appendix PL 3

### Photographic Examples of Tree Growth Rates, Developments in Devon.

Photographs of structural landscape planting at various growth stages from development schemes in Devon. Photographs taken December 2020. Dated aerial photographs from Google Earth.





Appendix 3.1 Tree Growth, Westfield Business Park, Long Lane, White Rock

GRSX 87016 58426





Loc A December 2020



Loc B December 2020



2001



2010



2016

Appendix 3.2 Tree Growth, Coppice Gate, Barnstaple, Devon

GRSS 57531 32143





Appendix 3.4 Example of 1 season growth, Mead Park, Bickington, Devon

GRSS 52534 32819



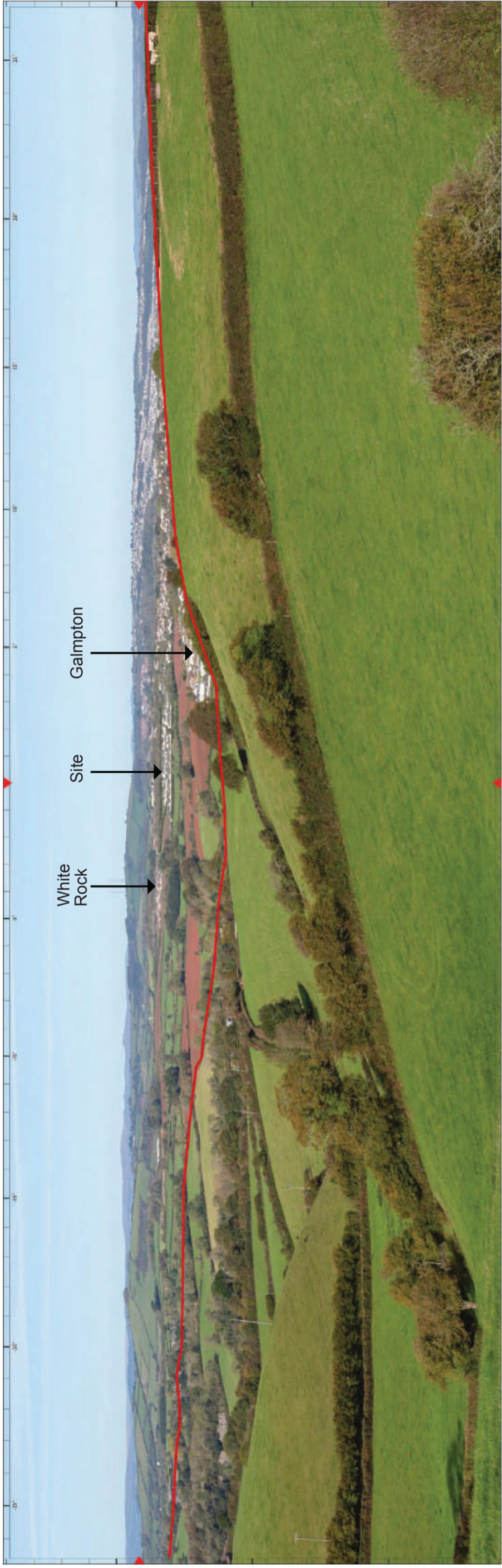
## Appendix PL 4: Y1 VVMs with AONB boundary marked as red line.

AONB Boundary overlain on VMS taken from LVIA Appendix V Addendum  
January 2020 (CD 2.46). Reduced to A3 size



4.1 marked up Viewpoint 7D Fig28,  
Footpath above Dittisham





4.2 marked up on Viewpoint 8c Fig 33  
John Musgrave Trail



4.3 Marked up on Viewpoint 19 Fig 65  
Road to Greenway