



APP/X1165/W/20/3245011: Land to the South of White Rock

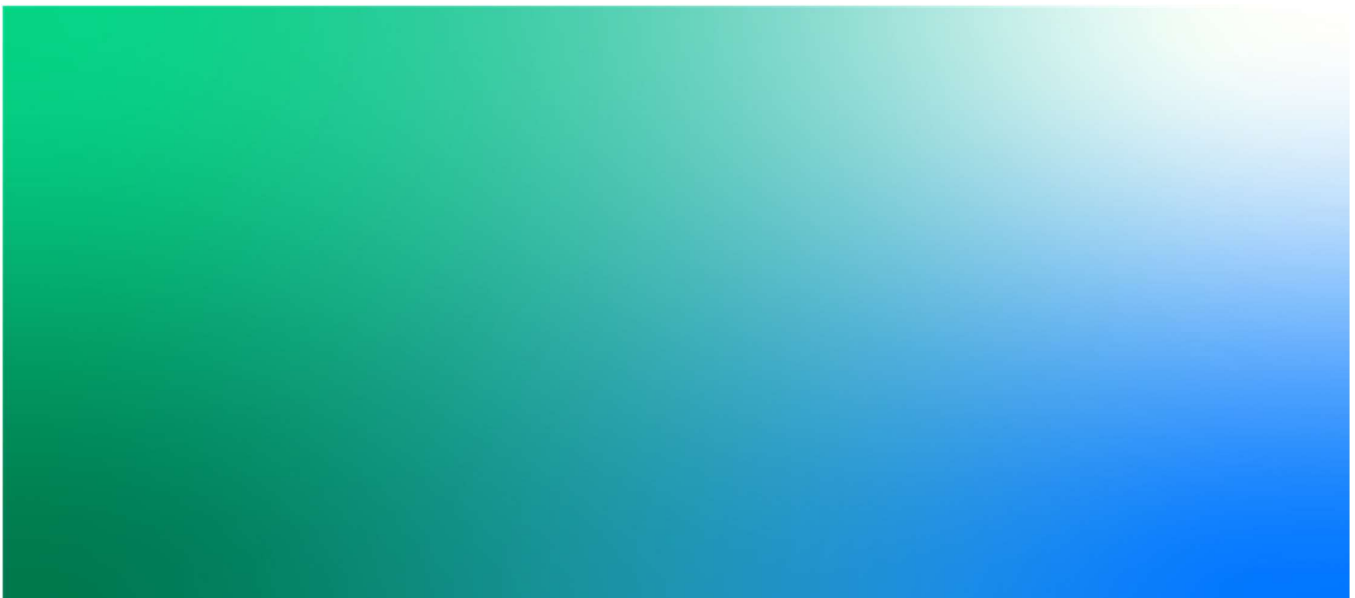
Landscape and visual proof of evidence

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Torbay Council

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Land to the South of White Rock

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1. Introduction

- 1.1 My name is Stephen Knott; I have a Bachelor of Arts degree and post graduate diploma in Landscape Architecture from Leeds Metropolitan University. I am a Chartered Member of the Landscape Institute and Senior Associate Director of Landscape Architecture in the Water and Environment unit of Jacobs. I have over 30 years professional landscape experience and am a professional practice examiner of the Landscape Institute.
- 1.2 My professional experience encompasses landscape design, environmental masterplanning and landscape and visual impact assessment for a wide range of development projects, including mixed use and residential, highways and energy infrastructure.
- 1.3 I have acted as an expert witness for previous planning inquiries including residential and energy developments and at issue specific hearings for Development Consent Order examinations of nationally significant infrastructure projects.
- 1.4 I was not involved at the pre-application stage for land to the South of White Rock adjacent to Brixham Road, Inglewood, Paignton (APP/X1165/W/20/3245011) (the 'Appeal Site') but have been intermittently advising Torbay Council post submission of the planning application, since 2018.

2. Background and context

- 2.1 Jacobs was initially appointed by Torbay Council in May 2018 to provide an independent second opinion on the landscape and visual effects of the proposed development at Inglewood, with particular reference to impacts on the South Devon Area of Outstanding Natural Beauty (AONB) and the identified Settlement Gap between White Rock and Galmpton.
- 2.2 The findings of the review undertaken by Jacobs were presented in a technical report, Torbay Landscape Advice, Proposed Residential Development at Inglewood, Outline Planning Application P/2017/1133: Landscape and Visual Comments (Jacobs, 07 June 2018), which forms Appendix 4 of the Torbay Council Statement of Case (SoC) [APPEAL REF CD7.10]. The technical report provided landscape and visual comments on Planning Application P/2017/1133 for residential development at Inglewood submitted in November 2017 and the revised proposals submitted in March 2018.
- 2.3 Jacobs was subsequently reappointed by Torbay Council in February 2020 to contribute to the Landscape Position Statement [APPEAL REF CD7.15] forming part of the Statement of Common Ground (SoCG), and to prepare a landscape and visual proof of evidence and act as a landscape expert witness for this appeal.

Scope of evidence

- 2.4 My proof of evidence covers landscape and visual issues in relation to the planning appeal for proposed development on land to the South of White Rock adjacent to Brixham Road, Inglewood, Paignton (APP/X1165/W/20/3245011) (subsequently referred to in this proof of evidence as the 'Appeal Site').
- 2.5 This proof of evidence covers the effects of proposed development on:
- the wider landscape forming part of the setting of the South Devon AONB;
 - local landscape character;
 - the Settlement Gap between White Rock and Galmpton;
 - views from the South Devon AONB;
 - local visual amenity.
- 2.6 The complementary proof of evidence provided by the South Devon AONB Manager, Mr Roger English on behalf of Torbay Council, covers specific AONB matters including AONB policy issues, the Special Qualities of the AONB, the nature of the designated AONB boundary and dark night skies.

Torbay Council reasons for refusal

- 2.7 Although the appeal has been lodged on the grounds of non-determination, Torbay Council have made it known in their SoC [APPEAL REF CD7.10] that had the Council determined the application for the proposal at Inglewood, Paignton, the recommendation would have been refusal. The principal putative landscape reasons for refusal are as follows:
- The impacts of the proposed development on the natural beauty of the South Devon AONB would cause unacceptable harm, which must be given great weight in the planning balance; and
 - The conflict between the proposed development and the landscape policies of the Brixham Peninsula Neighbourhood Plan, particularly Settlement Gap Policy E3.

3. The Appeal Site: Landscape and visual context

- 3.1 I have made two visits to the Appeal Site and surrounding area, the first with Torbay Council and Abacus/Deeley Freed (the applicant) in May 2018 and the second with the AONB Manager, Mr Roger English in March 2020.
- 3.2 Appendix 4 of the Torbay Council SoC (Ref) 'Proposed Residential Development at Inglewood, Outline Planning Application P/2017/1133: Landscape and Visual Comments' (Jacobs, June 2018), provides a brief description of the Appeal Site and the surrounding landscape context.
- 3.3 Key considerations for this appeal are that:
- The Appeal Site lies approximately 0.5 kilometres to the north-east of the South Devon AONB, is situated within its setting, and is visible from prominent viewpoints;
 - The landscape within which the Appeal Site lies is highly sensitive to change;
 - The Appeal Site is situated within a Settlement Gap between Galmpton to the south and the recent White Rock residential development to the north;
 - The Appeal Site comprises rural agricultural land, not allocated for development and lies outside the outside the settlement boundary of Goodrington.

Appeal site

- 3.4 I provide a description of the Appeal Site in Section 3 of my separate technical report, Torbay Landscape Advice, Proposed Residential Development at Inglewood, Outline Planning Application P/2017/1133: Landscape and Visual Comments (Jacobs, 07 June 2018) in Appendix 4 of the Torbay Council SoC [APPEAL REF CD7.10].

Landscape character

- 3.5 The Landscape Character Assessment of Torbay, (For Torbay Council, May 2010) provides a landscape character assessment for Torbay in Part 1 [APPEAL REF CD6.1] and an assessment of landscape sensitivity and capacity to accommodate change arising from new development in Part 2 [APPEAL REF CD6.2].
- 3.6 The Appeal Site lies within the North Galmpton Area of Local Character (AoLC), described in Part 2 of the Torbay Landscape Character Assessment. Key characteristics of this character area that are of relevance to the Appeal Site comprise:
- *"The land north of Galmpton consists of very gently undulating predominantly pasture farmland, with some arable fields in the northern part...;*
 - *The land slopes broadly westwards towards the River Dart estuary within... the South Devon AONB;*
 - *Much of the area is relatively open farmland and the northern part is more open and this allows long distance views to the south west to hills beyond the Dart within the AONB...;*
 - *Field boundaries are low hedges/hedgebanks with occasional hedgerow trees;*
 - *The existing urban edge at Goodrington, abutting the road on the eastern boundary of this area is quite well integrated by mature trees and hedges along the road and within adjoining detached properties..."*

Key views

- 3.7 Appendix II of the Landscape and Visual Impact Assessment (LVIA) (Nicholas Pearson, October 2017) [APPEAL REF CD1.22], submitted with the outline planning application, provides a Zone of Theoretical Visibility map in Figure 3. As explained in Figure 3, this drawing shows “*the area from which the scheme is potentially visible*” including several locations within the South Devon AONB.
- 3.8 Figure 8a of Appendix II of the applicant’s LVIA shows the location of representative viewpoints, from where there are views of the Appeal Site from the surrounding landscape. These representative viewpoints (RVs) include twenty views from within the South Devon AONB, (RV2, RV3, RV5c, RV5d, RV6a, RV6b, RV7a, RV7b, RV7c, RV7d, RV7e, RV8a, RV8b, RV8c, RV8d, RV9a, RV9b, RV16, RV17 and RV19. Photographs from these viewpoints (except for RV2) are provided in LVIA Appendix II Addendum – Updated Baseline Viewpoint Photographs (January 2020).
- 3.9 RV13 and RV14 from the A3022 Brixham Road show a view adjoining the Appeal Site back towards the South Devon AONB.

South Devon AONB setting

- 3.10 The Appeal Site lies within the setting of the South Devon AONB.
- 3.11 Section 4.6 of Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership, 2017) [APPEAL REF CD6.10] explains what is meant by the ‘setting’ of the AONB as follows:
- “The term in ‘the setting’ of the AONB is used to refer to areas outside the AONB within which changes or activities are likely to have effects on the AONB.”*
- 3.12 It is agreed in Section 2.0 of the Landscape Position Statement [APPEAL REF CD7.15] that the Appeal Site lies within the setting of the South Devon AONB. The South Devon AONB Management Plan 2019 – 2024 (South Devon AONB Partnership, April 2019) [APPEAL REF CD6.10] sets out policies for conservation and enhancement of the South Devon AONB and its setting for present and future generations. AONB Management Plan policy Lan/P7 explains that “*the deeply rural character of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character.*”
- 3.13 Although just outside the South Devon AONB boundary, the upper valley slopes of the River Dart comprise an integral part of the valley landscape forming the basis of the AONB designation. There is some existing urban development on the upper slopes of the Dart Valley, however, this is mainly limited to Galmpton and White Rock and the open rural land of the Appeal Site forms an important part of the South Devon AONB landscape setting.
- 3.14 The Appeal Site is clearly visible on the upper valley side of the River Dart from the South Devon AONB, for example from viewpoint RV7a on Fire Beacon Hill. In this view, the Appeal Site occupies the head of the shallow tributary of the Dart Valley and in middle ground views is seen against a backdrop of the predominantly wooded ridgeline defined by the A3022 Brixham Road. Beyond the ridgeline, a narrow ribbon of the sea within Torbay is clearly visible, reinforcing the separation between middle ground views and more distant views towards the urban area of Torquay on the far side of the bay.
- 3.15 The existing urban area of Goodrington beyond the Appeal Site to the north-east of Brixham Road, is predominantly screened by a combination of mature roadside trees and topography which slopes towards Torbay. Middle ground views of existing urban development in the vicinity of the Appeal Site are mainly limited to the row of houses with open frontages on Brixham Road.

Galmpton Settlement Gap

- 3.16 The Appeal Site lies within open land between Galmpton and White Rock, defined as a Settlement Gap in the Brixham Peninsula Neighbourhood Plan (2012 to 2030) [APPEAL REF CD6.17] and lies outside the settlement boundary. Policy E3 of the Brixham Peninsula Neighbourhood Plan requires that *“within the settlement gaps development proposals must meet the criteria set out in Policy C1 of the Torbay Local Plan. No development that visually and or actually closes the gaps between these urban areas will be supported.”*
- 3.17 From viewpoint RV7a, referenced above in relation to the setting of the South Devon AONB, it can be seen that the Appeal Site occupies a strategic location between the established settlement of Galmpton and recent development at White Rock, maintaining clear separation between the two settlements.
- 3.18 The Settlement Gap is also experienced when travelling along Brixham Road, which has a predominantly rural character between White Rock and Galmpton. In travelling a short distance south-east of White Rock junction, Brixham Road is lined by dense roadside vegetation on both sides. Just beyond the brow of the hill in the vicinity of White Rock Primary School, the view opens out providing a fine prolonged, unfolding panoramic view across open countryside towards elevated ground within the South Devon AONB. This open view is experienced over approximately 200 metres, until obscured by mature trees flanking both sides of the road. Views from road corridor then continue to be channelled between dense roadside vegetation as far as Hunters Tor Drive. Beyond Hunters Tor Drive, there are occasional brief glimpses of the adjoining rural landscape on the approach to Galmpton, including ‘Car Boot Field’ to the south-east of the Appeal Site.

4. Proposed masterplan

- 4.1 Outline Planning Application P/2017/1133, the subject of this appeal, comprises residential led development of up to 400 dwellings, with associated facilities and infrastructure.
- 4.2 The proposed development is shown on the Context Masterplan (Rev A) [APPEAL REF CD2.11] and Proposed Masterplan (Rev A) [APPEAL REF CD2.13]. The masterplan comprises residential development, a school and a public house, accessed from a proposed roundabout on the A3022 Brixham Road. A small orchard and area of allotments is proposed in the north of the Appeal Site. 'Mitigation land' is proposed on the southern and south-west edge of the Appeal Site to provide ecological mitigation.
- 4.3 The Proposed Masterplan shows a relatively narrow band of 'mitigation tree planting' on the south and west boundaries of the proposed development, as well as some planting within the proposed development, including individual tree planting. The masterplan legend does not distinguish between the retention or reinforcement of existing hedgerows.
- 4.4 The Green Infrastructure Plan (Rev A) [APPEAL REF CD2.12] shows some further conceptual detail of proposed planting, including two short lengths of 3m to 5m 'woodland belts' on either side of the proposed roundabout access. The Green Infrastructure Plan also provides some further detail of the proposed 'mitigation land' which is described as "*cattle grazed wood pasture 5% tree cover planted in groups of 3, 5, 7 and 9 as per masterplan locations*".
- 4.5 The Urban Design Framework (Rev A) [APPEAL REF CD2.24] sets out a vision and urban design structure for the Appeal Site and provides a brief section on 'Landscape Strategies' at Section 3.3.
- 4.6 The Urban Design Regulatory Plan [APPEAL REF CD2.27] shows a mix of building heights, which appear to be predominantly two storeys, with some three storey development on the south-east part of the Appeal Site, although the plan is not very clear. Appendix 4 of the Landscape Position Statement provides a drawing showing proposed building ridge heights AOD.
- 4.7 The Design and Access Statement (Rev A) [APPEAL REF CD2.23] considers Landscape and Access at Section 8.1; Section 8.1 claims that "*the emphasis on respect for the existing landscape/ ecology/ agriculture, is a defining thread of the project that has been woven through the foundational conceptual principles, through every facet of the developed design...*". It is difficult to find any substantive evidence to support this claim in terms of respect for the existing landscape, other than the retention of existing hedgerows on the Appeal Site and the tree protection measures for the relatively few existing trees set out in the Tree Protection Plan with Arboricultural Method Statements (Evolve Tree Consultancy, November 2017) [APPEAL REF CD2.18].
- 4.8 Section 8.1 of the Design and Access Statement also states that "*a number of large clumps of woodland will be planted to screen sensitive parts of the development from long range views of the site, particularly from the AONB... These have been carefully considered in response to the LVIA...*" However, as explained in Section 7 of this proof of evidence, the proposed planting mitigation would not provide effective mitigation by Year 10, fifteen years after planting, from elevated views towards the Appeal Site from the South Devon AONB.
- 4.9 Furthermore the proposed planting of small tree groups on 'mitigation land' outlined above, would not be in keeping with the existing landscape character of the North Galmpton AoLC and adjoining area.

5. Landscape and visual impact assessment methodology

- 5.1 The applicant's LVIA [APPEAL REF CD1.22] sets out the methodology used to undertake the assessment of landscape and visual effects.
- 5.2 The Landscape Position Statement (26 November 2020) [APPEAL REF CD7.15] sets out the areas of agreement and disagreement on landscape matters between Torbay Council, Brixham Town Council (the Rule 6 Party) and the applicant. Methodological matters are set out in Section 6.0, Table 9 of the position statement.

Landscape character receptors

- 5.3 The Appeal Site lies wholly within the Torbay '10 North Galmpton' AoLC, described in Part 2 of the Landscape Character Assessment of Torbay [APPEAL REF CD6.2]. As acknowledged in the LVIA (paragraph 4.1.13), the Torbay Landscape Character Assessment "provides a finer scaled study of the landscape character found within the Torbay District..." than the Devon County Council county-wide Landscape Character Assessment.
- 5.4 Notwithstanding, the applicant's LVIA does not assess the effects on the Torbay AoLC. Instead, the LVIA assesses the landscape character effects on an assortment of character areas partially based on published sources and partially based on character areas defined by the applicant (Figure 6e of LVIA Appendix II shows part of landscape receptors LR1a, LR1b, LR2 and LR3 listed below). Little if any definition of the key characteristics of the character areas defined by the applicant is provided and it is therefore difficult to follow the rationale for the assessment findings in the LVIA. The applicant's landscape character receptors given in the LVIA comprise:

- LR1a Rolling Farmed Landscape [which encompasses most of the Appeal Site];
- LR1b Valley Side Landscape [which encompasses the southern part of the Appeal Site];
- LR2 Tree-lined Brixham Road Corridor, A3022;
- LR3 Urban Edge/ Urban Landscape [of Goodrington and Galmpton];
- LR4 The local AONB Landscape as a whole;
- LR5 The local landscape character area as a whole;
- LR6 The Conservation Areas".

- 5.5 However, Torbay Local Plan [APPEAL REF CD6.16] Policy SS8 explains that:

"The landscape character and management schedules contained in the Torbay Landscape Character Assessment (2010) will be taken into account when assessing the landscape impact of proposed development. Consideration should also be given to the strategic significance of key landscape areas in relation to maintaining the identity of settlements (see also Policy C1 'Countryside and the rural economy')."

- 5.6 The applicant's approach to establishing the baseline conditions of landscape character, together with its value and sensitivity to the nature of the proposed development, does not therefore provide a sound basis on which to judge the likely effects of the proposed development on landscape character. Instead, the Torbay AoLC, recognised in the Torbay Local Plan, is considered to be the appropriate landscape receptor on which to assess the effects of the proposed development on landscape character.

Visual receptors: Representative viewpoints

- 5.7 Paragraph 2.1.13 of the applicant's LVIA [APPEAL REF CD1.22] explains that *"the key viewpoint locations (see LVIA... Appendix II, Figure 8) and methodology (see... LVIA Appendix 1, Methodology) were submitted to and agreed with Torbay Council, the South Devon AONB manager and the South Hams Landscape Officer in January and February 2017."* The purpose of agreeing these key viewpoint locations is further explained in Appendix I of the applicant's LVIA (paragraph 1.6.1); *"Viewpoints will be selected wherever possible to be representative of different visual receptor groups... Such viewpoints, where selected, are intended to provide an illustration of a typical view."* The same methodology is used for the applicant's LVIA Addendum (March 2018) [APPEAL REF CD2.22].
- 5.8 The term 'representative viewpoint' is defined in paragraph 6.19 of the Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) (GLVIA 3) as follows:
- "representative viewpoints, selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where significant effects are unlikely to differ – for example, certain points may be chosen to represent the views of users of particular footpaths and bridleways."*
- 5.9 It can therefore be seen that the purpose of agreeing the representative viewpoints shown in Figure 8 of LVIA Appendix II has been to provide an agreed basis for the assessment of visual effects on receptors likely to be affected by the proposed development.
- 5.10 The LVIA assessment of the *"the AONB as a whole as a visual receptor"* is flawed, whereby all agreed representative viewpoints within the South Devon AONB (RV3, RV5, RV6, RV7, RV8, RV9, RV16, RV17 and RV19, including sequential views) are grouped together as a single receptor (LVIA visual receptor VR4). The AONB is a landscape receptor, not a visual receptor, albeit changes in views within the AONB are related to the perception of changes in landscape character. However, grouping all key viewpoints within the South Devon AONB into a single receptor for the purposes of assessment, downplays the importance of changes to individual views.

Assessment criteria

- 5.11 The methodology used for assessing the landscape and visual effects of the proposed development are set out in Appendix I of the applicant's LVIA, including the methodology used to assess:
- Sensitivity of receptors;
 - Magnitude of change;
 - Level of effect (termed 'significance of effect' in GLVIA3), that is to say, *"judgements about the significance of effects... by combining the judgements about the sensitivity of the receptor and the magnitude of the effect"* (GLVIA3, paragraph 3.29).

Sensitivity of receptors

- 5.12 Torbay Council and the applicant do not generally disagree on the assessment of sensitivity for landscape and visual receptors.

Magnitude of change

5.13 The LVIA only set out broad principles for the assessment of magnitude, however, the applicant has subsequently provided “*example definitions*” (criteria) for the three constituent parts of assessing the magnitude of landscape and visual change in Appendix 2 of the Landscape Position Statement (Tables A to D inclusive):

- Size/ scale of change;
- Geographical extent of change; and
- Duration.

5.14 For the purposes of my assessment in this proof of evidence, I have used the applicant’s terminology for magnitude of change levels (high, medium, low, negligible, as used in the LVIA) for ease of comparison.

Level of effect/ Significance

5.15 The applicant’s methodology sets out “*descriptors*” (criteria) for level of effect (significance of effect) on landscape and visual receptors at sections 1.9 and 1.10 in Appendix I of the LVIA (Tables A and B). No source is provided for these criteria, which it is assumed are the applicant’s own criteria.

5.16 Section 1.11 of the applicant’s LVIA methodology sets out the methodology for “*judging the overall significance of residual effects*”; Two alternative methods are provided in Section 1.11 for determining whether an effect is considered to be significant or not, although it is not stated which of these has been used to inform the findings of the LVIA. However, the applicant has subsequently confirmed in Section 6.0, Table 9 of the Landscape Position Statement that Table LC.4 and Table V.4 of Appendix 1 of the LVIA was used as the basis of determining the significance of landscape and visual effects.

5.17 I do not agree with the LVIA conclusion at paragraph 12.1.9 that the residual landscape and visual effects of the proposed development would not be significant And the LVIA provides very little explanation of how this judgement was reached. GLVIA 3 offers further guidance on judging whether an effect is significant or not significant as follows:

Significance of landscape effects (GLVIA3, paragraph 5.56)

- *“Major loss or irreversible effects, over and extensive area, on elements and/or aesthetic and perceptual aspects that are key to the character of nationally valued landscapes are likely to be of the greatest significance;*
- *Reversible negative effects of short duration, over a restricted area, on elements and/or aesthetic and perceptual aspects that contribute to but are not key characteristics of the character of community value are likely to be of least significance and may, depending on the circumstances, be judged as not significant;*
- *Where assessments of significance place landscape effects between these two extremes, judgements must be made about whether or not they are significant, with full explanations of why these conclusions have been reached.”*

5.18 Of relevance to this appeal; The proposed development would result in irreversible changes to a substantial area of rural landscape considered to be of high sensitivity in its own right and forming part of the setting to the nationally important South Devon AONB.

Significance of visual effects (GLVIA3, paragraph 6.44)

- *“Effects on people who are particularly sensitive to changes in views and visual amenity are more likely to be significant;*

- *Effects on people at recognised and important viewpoints or from scenic routes are more likely to be significant;*
- *Large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view."*

5.19 Of relevance to this appeal; The proposed development would result in changes to high sensitivity views from the South Devon AONB and to local residents' views, also considered to be highly sensitive to changes in views.

5.20 It is also generally recognised within the landscape profession that effects on high sensitivity receptors are more likely to be significant than on less sensitive receptors. Therefore, even a minor magnitude of change to a high sensitivity receptor could be significant, whereas a larger magnitude of change on a lower sensitivity receptor would not necessarily be significant.

Visually Verifiable Montages (photomontages)

5.21 Paragraph 2.1.7 of the applicant's LVIA [APPEAL REF CD1.22] states that that *"the purpose of a Visually Verifiable Montage (VVM) is to represent the proposed development, as it would appear, using a baseline of verifiable visual data and information..."*. However, it is agreed with the applicant in Section 6.0 of the Landscape Position Statement [APPEAL REF CD7.15] that in order to fully understand the effects of the proposed development, the VVMs are no substitute for seeing the representative viewpoints on the ground.

5.22 The applicant has clarified the assumptions made to prepare the VVMs in Section 6.0 of the Landscape Position Statement, including building heights and the maximum Above Ordnance Datum (AOD) heights; The LVIA and VVMs (including addenda) were prepared based on the current submitted proposals contained within the:

- Context Masterplan;
- Design and Access Statement;
- Proposed Illustrative Masterplan (Rev A);
- Urban Design Framework (Rev A);
- Green Infrastructure Parameter Plan (March 2018).

5.23 Appendix 4 of the Landscape Position Statement [APPEAL REF CD7.15] provides a drawing showing building ridge heights AOD, used to prepare the VVMs.

5.24 The applicant's assumed planting growth rates used to prepare the VVMs, set out in LVIA Appendix V, Addendum Part 1 (Original Scheme Building Render Colour) – Visually Verified Montages (January 2020) [APPEAL REF CD2.46] are disputed; It is not considered realistic that the general height of proposed screen planting would have achieved 4.5m to 5.5m on completion of construction (Year 1 of operation) representing five years growth to take account of development phasing. A general height of two to three metres is considered more realistic for the proposed screen planting five years after planting. This is based on 0.6m to 0.9m high transplants, growing approximately 0.3m each year. It is acknowledged that some larger plant stock is likely to be specified, however, larger trees are unlikely to be planted at a sufficient density to achieve the assumed 4.5m to 5.5m planting screen by Year 1 of operation.

- 5.25 The assumed height of planting by Year 10 (15 years after planting) of 7 to 9m is considered optimistic, given the elevated and relatively exposed nature of the Appeal Site.

- 5.26 For the purposes of this proof of evidence, my assessment has been based on LVIA Appendix V, Addendum Part 1 (Original Scheme Building Render Colour) – Visually Verified Montages (January 2020), since the applicant has confirmed in Section 6.0 of the Landscape Position Statement that there is no commitment to 25% stone faced buildings, as illustrated in the VVMs contained in Part 2 of Appendix V.

6. Landscape effects

- 6.1 A full overview of relevant planning policy is set out in Torbay Council's Committee Report [APPEAL REF CD10.1], with key landscape planning policies of relevance to this appeal briefly noted below.

South Devon AONB

- 6.2 The South Devon AONB, which lies approximately 0.5 km to the south-west of the Appeal Site, was designated in 1960. The designation boundary in this location is relatively tightly drawn along the Dart Valley and does not include the valley hinterland, forming the wider valley setting. Mr English provides further detail on this designation and the implications of the Appeal development.

Landscape planning policy

- 6.3 National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, Update February 2019) [APPEAL REF CD6.34], paragraph 172 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection.
- 6.4 Torbay Local Plan (2012 to 2030) [APPEAL REF CD6.16] Policy SS8 states that "... it will be particularly important to ensure that development outside the AONB does not have an unacceptable impact on the special landscape qualities of an adjoining or nearby AONB..." and that "... in assessing new development outside the AONB, the value of natural landscapes will be carefully considered, using the Torbay Landscape Character Assessment and other relevant management plans, to help ensure the objectives for their conservation are met..."

The South Devon AONB Management Plan 2019 – 2024

- 6.5 The South Devon AONB Management Plan 2019 – 2024 (South Devon AONB Partnership, April 2019) [APPEAL REF CD6.10] sets out policies for conservation and enhancement of the South Devon AONB to support and benefit present and future generations. The Management Plan also defines a range of special qualities of the South Devon AONB, with those most relevant to this proof of evidence comprising:

- *"Iconic wide, unspoilt and expansive panoramic views;*
- *Areas of high tranquillity...;*
- *A variety in the setting to the AONB..."*

Iconic wide, unspoilt and expansive panoramic views

- 6.5.1 The rationale provided for this special quality, at Annex 4 of the Management Plan, explains that the *"open and uninterrupted panoramic views from high ground ... a resource of exceptional value"* and that *"vantage points with views that only contain natural features ... represent a diminishing, highly valued resource ..."*. High inland locations offering wide (270 degree) panoramic views are considered to be limited in number. Gate gaps at field entrances are considered to provide important 'windows' on the South Devon AONB landscape.

Areas of high tranquillity

- 6.5.2 The rationale for this special quality explains that *"away from the tightly focussed waterside settlements with harbours, historic cores and areas of moorings, the estuaries remain tranquil, remote and wild with little sense of human activity or presence."*

A variety in the setting to the South Devon AONB

- 6.5.3 The rationale for this special quality notes that *“the setting to the AONB provided by surrounding areas of land, sea and urban settlement together with the inter-visibility between the AONB and these areas is of great significance...”* and that *“the inland boundary of the AONB is mostly not marked by a distinct change in scenery and the landscape character continues seamlessly into the neighbouring countryside. The hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB.”*

Planning for the South Devon AONB: Planning Guidance 2017

- 6.5.4 Planning for the South Devon AONB: Planning Guidance (Version 1) [APPEAL REF CD6.10] sets out what is meant by the ‘setting’ of an AONB. In the guidance, *“the term in ‘the setting’ of the AONB is used to refer to areas outside the AONB within which changes or activities are likely to have effects on the AONB.”*
- 6.5.5 The guidance explains at Section 2.4 that the underlying principle of the statutory duty (section 85 of the Countryside and Rights of Way Act 2000) is that land in the AONB should be conserved and enhanced regardless of where any effect on it arises from and that *“therefore the effect of development proposals outside the AONB on views within and views out of an AONB are of particular relevance.”*

Effects on the setting of the South Devon AONB

- 6.6 The Zone of Theoretical Visibility in Figure 3, Appendix II of the LVIA shows *“the area from which the scheme is potentially visible”* which includes parts of the South Devon AONB. It can therefore be seen that there is the potential for effects on the South Devon AONB arising from changes on the Appeal Site, which forms part of the setting of the AONB.
- 6.7 Visual effects are considered at Section 7 of this proof of evidence, including a visual impact assessment from a range of representative viewpoints within the South Devon AONB. The proposed development would not result in any direct landscape effects on the South Devon AONB, however, it would result in indirect effects on the landscape character of the AONB, caused by changes to its setting.
- 6.8 One of the special qualities of the South Devon AONB relates to the variety of its setting; *“The hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB.”* From representative viewpoints RV5c, RV5d, RV6a, and RV7a, RV7b, RV7c and RV7d, it can be appreciated that the Dart Valley forms an important feature in the view and the proposed development would introduce uncharacteristic built development onto the rural upper slopes of the valley, thereby eroding the rural landscape character of the Dart Valley, with little scope for mitigation.
- 6.9 From representative viewpoints RV8c and RV9a, the proposed development would extend uncharacteristic built development into the rural landscape which forms part of the South Devon AONB setting with only limited scope for mitigation, even after 15 years growth.
- 6.10 The proposed development would conflict with the character of the existing landscape (moderate adverse scale of change) in Year 1, affecting a relatively small but important part of the South Devon AONB setting (minor geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of indirect landscape effect on the character of the South Devon AONB would be Medium adverse.

- 6.11 Given the high sensitivity of the South Devon AONB to changes in landscape character and the Medium adverse magnitude of change, there would be a Moderate adverse, indirect level of landscape effect. The proposed development would degrade the landscape integrity of the upper slopes of the Dart Valley, a key component of the landscape character of the South Devon AONB. This would result in a significant indirect adverse effect on the landscape character of the South Devon AONB in the long-term.

North Galmpton Area of Local Character

- 6.12 The North Galmpton AoLC, defined in the Landscape Character Assessment of Torbay for Torbay Council, (May 2010) [APPEAL REF CD6.1 and CD6.2], comprises a narrow band of predominantly agricultural land between White Rock to the north and Galmpton to the south. The east and west boundaries of the AoLC are defined by the A3022 Brixham Road and the Torbay administrative boundary respectively. The Appeal Site occupies the northern half of the North Galmpton AoLC, with the exception of an area of recent woodland planting adjoining the White Rock development.

Landscape planning policy

- 6.13 As explained in Section 5, Torbay Local Plan Policy SS8 states that:

"The landscape character and management schedules contained in the Torbay Landscape Character Assessment (2010) will be taken into account when assessing the landscape impact of proposed development. Consideration should also be given to the strategic significance of key landscape areas in relation to maintaining the identity of settlements (see also Policy C1 'Countryside and the rural economy')."

Effects on local landscape character

- 6.14 The Landscape Character Assessment of Torbay provides an assessment of landscape sensitivity and capacity to accommodate change in Part 2. The overall sensitivity of the North Galmpton AoLC is assessed as highly sensitive to change, noting the following:

- *"[The] northern part has seamless visual connection with South Devon AONB;*
- *[The] land provides [a] broad setting of the urban area and provides [a] buffer to [the] AONB."*

- 6.15 The Torbay Landscape Character Assessment comments on the capacity of the North Galmpton AoLC to accommodate change as follows:

"Much of this land is open to views from the AONB to the west and south. The existing urban edge is well integrated and any new development would extend the edge into this open landscape. There is therefore only limited potential to accommodate change without substantial wider impact. Small scale development within a more discrete area north of Galmpton could potentially be accommodated if sensitively sited, although the relationship to the Conservation Area and AONB would need to be carefully considered."

- 6.16 Key characteristics of the North Galmpton AoLC are set out in Section 3 of this proof of evidence.

- 6.17 Visual effects are considered at Section 7 of this proof of evidence, including a visual impact assessment from three representative viewpoints looking towards or over the Appeal Site. The proposed development would result in direct landscape effects on the North Galmpton AoLC, as well as indirect effects on the wider landscape character of the South Devon AONB setting discussed above.

- 6.18 The proposed development would feature prominently in views from Brixham Road (representative viewpoints RV13 and RV14) and would also be visible from the Brixham Road entrance to 'Car Boot Field' (representative viewpoint RV12) and from open access land on the northern edge of Galmpton (representative viewpoint RV12).
- 6.19 The proposed development would change the character of the existing landscape on most of the Appeal Site from open farmland to residential development and curtail the characteristic long distance views towards the South Devon AONB from Brixham Road (substantial adverse scale of change) in Year 1, affecting a proportion of the character area (substantial geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of direct landscape effect on the character of the North Galmpton AoLC would be High adverse.
- 6.20 Given the high sensitivity of the North Galmpton AoLC to changes in landscape character and the High adverse magnitude of change, there would be a Substantial adverse, direct level of landscape effect. The proposed development would be at considerable variance with the character of the landscape, encroaching beyond the existing well integrated urban edge of Goodrington and resulting in the loss of characteristic open farmland and long-distance views towards the South Devon AONB. This would result in a significant direct adverse effect on the landscape character of the North Galmpton AoLC in the long-term.
- 6.21 In local views from Brixham Road, the proposed planting mitigation would soften views of proposed housing but would at the same time contribute to the obstruction of existing characteristic views over the open rural landscape of the North Galmpton AoLC, which forms an important component in foreground and middle ground views towards the South Devon AONB. As explained in Section 7 of this proof of evidence, the proposed planting mitigation would not generally provide effective mitigation from distant views back towards the North Galmpton AoLC from the South Devon AONB in the south and west. A significant adverse effect on landscape character would therefore remain at Year 10.

Settlement Gap between Galmpton and White Rock

- 6.22 The Appeal Site lies within the Settlement Gap between Galmpton and White Rock.

Landscape planning policy

- 6.23 The Brixham Peninsula Neighbourhood Plan (2012 to 2030) [APPEAL REF CD6.17] defines Settlement Boundaries under Policy E2. The Appeal Site is located outside the settlement boundary defined in the Brixham Town Council. Policy E2 treats areas outside settlement boundaries as open countryside, where in addition to any protection already afforded by international, national or development plan policy, most forms of new development are not supported.
- 6.24 Policy E3 of the Brixham Peninsula Neighbourhood Plan identifies land between Galmpton and Paignton, encompassing the Appeal Site, as a Settlement Gap within which Policy E3 seeks to preclude development that would visually or actually close the gap between urban areas or *"harm the openness or landscape character of the area, including through visual impacts..."*.

Effects on the Settlement Gap

- 6.25 Figure 3, Appendix II of the LVIA [APPEAL REF CD1.22] shows the Zone of Theoretical Visibility of the proposed development extending southwards from the Appeal Site to Galmpton; Only a small 'pocket' of land immediately adjoining the southern boundary is shown as having no potential views of the proposed development.

- 6.26 Visual effects are considered at Section 7 of this proof of evidence, including a visual impact assessment from representative viewpoints RV12, RV13 and RV14 along Brixham Road on the edge of the Settlement Gap. RV11 illustrates a view north-west from open access land on the north-west edge of Galmpton towards the proposed development.
- 6.27 The proposed development would feature prominently in views from Brixham Road, substantially closing the rural gap, both visually and actually, between the urban areas of Galmpton and White Rock. There would also be a perceived reduction in the Settlement Gap from the northern edge of Galmpton, where there are likely to be partially screened views of the proposed development from open access land (representative viewpoint RV11), adding to views of existing urban development in Goodrington and thereby visually reducing the Settlement Gap.

7. Visual effects

7.1.1 Torbay's position on the visual effects from representative viewpoints RV1 to RV19 inclusive is set out in Section 5.0, Table 6 of the Landscape Position Statement, Areas of Agreement and Disagreement between the Appellant's LVIA, Torbay Council and Brixham Town Council [APPEAL REF CD7.15].

7.1.2 Table 6 of the Landscape Position Statement highlights those viewpoints where there is most disagreement with the LVIA findings on visual effects; Representative viewpoints where the level of effect is considered to be greater than reported in the LVIA include the following viewpoint locations shown in Figure 8a, Appendix II of the LVIA:

- RV5d Footpath east of road from Capton to Dittisham near Cott Farm (fourth of four sequential views);
- RV6a Recreational Trail on Fire Beacon Hill (one of two sequential views);
- RV7a, RV7b, RV7c and RV7d Recreational Trail from near Fire Beacon Hill to Dittisham (four sequential views);
- RV8a, RV8b, RV8c and RV8d John Musgrove Heritage Trail (four sequential views);
- RV9a and RV9b Road between A379 and steam railway bridge near Galmpton (two sequential views);
- RV12 A3022 entrance to the 'Car Boot Field' at edge of Goodrington;
- RV13 Junction of the middle footpath and the A3022 on edge of Goodrington;
- RV14 Junction of the northern footpath and the A3022 on edge of Goodrington.

7.1.3 My visual impact assessment is set out below; I have based my assessment on the magnitude criteria provided by the applicant in Appendix 2 of the Landscape Position Statement, Table C and Table D and to the visual significance criteria provided in Appendix I of the LVIA, Table V.4 in order to aid comparison where different assessment conclusions have been reached by the applicant.

7.1.4 References to VVMs in the following section are to LVIA Appendix V Addendum Part 1 (January 2020) [APPEAL REF CD2.46].

Views from South Devon AONB

7.1.5 It is agreed with the assessment in the LVIA that the sensitivity of visual receptors within the South Devon AONB is high.

7.1.6 One of the special qualities of the South Devon AONB, the "iconic wide, unspoilt and expansive panoramic views" can be appreciated from a number of the representative viewpoints within the AONB, as can the sense of tranquillity. The South Devon AONB Management Plan 2019 – 2024 (Annex 4) considers "open and uninterrupted panoramic views from high ground ... a resource of exceptional value".

RV5d Footpath east of road from Capton to Dittisham near Cott Farm

- 7.2 The proposed development would cause a clearly noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a small to moderate but important proportion of the panoramic view at this distance (minor to moderate geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV5d would be Medium adverse.
- 7.3 Given their high sensitivity to changes in view and the Medium adverse magnitude of change, footpath users would experience a Moderate adverse level of visual effect. As shown in the VVM for RV5d the proposed development would visually intrude onto the upper slopes of the Dart Valley, causing a readily apparent deterioration to the existing view, which would result in a significant adverse visual effect from this footpath.
- 7.4 The Year 10 VVM shows that the proposed mitigation would make little difference to the residual visual effects in the long-term. (GLVIA3 suggests that short term might be considered zero to five years, medium term five to ten years and long term ten years and above, although giving no fixed rule).

RV6a Recreational Trail on Fire Beacon Hill (one of two sequential viewpoints)

- 7.5 The proposed development would cause a clearly noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a small to moderate but important proportion of the panoramic view at this distance (minor to moderate geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV6a would be Medium adverse.
- 7.6 Given their high sensitivity to changes in view and the Medium adverse magnitude of change, footpath users would experience a Moderate adverse level of visual effect. As shown in the VVM for RV6a the proposed development would breach the current settlement edge of Goodrington which is well integrated into the landscape and would introduce uncharacteristic development onto the upper slopes of the Dart Valley, causing a readily apparent deterioration to the existing view which would result in a significant adverse visual effect from this footpath at Year 1.
- 7.7 At this elevation, the Year 10 VVM shows that the proposed screen planting would do little to mitigate the residual visual effects of the proposed development in the long-term.

RV7a Recreational Trail from near Fire Beacon Hill to Dittisham (one of four sequential views)

- 7.8 The proposed development would cause a clearly noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a small to moderate but important proportion of the panoramic view at this distance (minor to moderate geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV7a would be Medium adverse.
- 7.9 Given their high sensitivity to changes in view and the Medium adverse magnitude of change, footpath users would experience a Moderate adverse level of visual effect. As shown in the VVM for RV7a the proposed development would encroach into the tributary valley of the River Dart and onto the strip of rural landscape separating the Dart Valley from Torbay and the urban area of Torquay beyond, causing a readily apparent deterioration to the existing iconic view which would result in a significant adverse visual effect from this footpath at Year 1.
- 7.10 At this elevation, the Year 10 VVM shows that the proposed screen planting would do little to mitigate the residual visual effects of the proposed development in the long-term.

RV7b, RV7c and RV7d Recreational Trail from near Fire Beacon Hill to Dittisham (three of four sequential views)

- 7.11 The sequential views experienced from representative viewpoints RV7b, RV7c and RV7d would be similar to those described for RV7a above and the proposed development would also result in a significant adverse visual effect on these iconic views for users of the footpath as they walk north eastwards towards the River Dart.

RV8c John Musgrove Heritage Trail (one of four sequential views)

- 7.12 The proposed development would cause a clearly noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a small to moderate proportion of the panoramic view (minor to moderate geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV8c would be Medium adverse.
- 7.13 Given their high sensitivity to changes in view and the Medium adverse magnitude of change, footpath users would experience a Moderate adverse level of visual effect. As shown in the VVM for RV8c the proposed development would extend built development well beyond the existing urban edge and into the rural landscape on the ridge flanking the north-east slopes of the Dart Valley, causing a readily apparent deterioration to the existing view which would result in a significant adverse visual effect from this footpath at Year 1.
- 7.14 The Year 10 VVM shows the proposed screen planting would to some extent soften the residual visual effects of the proposed development, although it would continue to be perceived as urban encroachment into the rural landscape in the long-term.
- 7.15 The Year 10 VVM from RV8c also illustrates the cumulative effects of the White Rock development, which can be seen beyond and to the west of the proposed development. The effects of the proposed development in combination with the completed White Rock development would lead to an increased level of overall visual effect by Year 10.

RV8a and RV8b John Musgrove Heritage Trail (three of four sequential views)

- 7.16 The sequential views experienced from representative viewpoints RV8a and RV8b would be similar to those described for RV8c above, albeit the existing urban area of Galmpton is more evident in the views from RV8a and RV8b. However in my opinion, if there are existing elements that detract from a valued view, that should not justify the introduction of further detracting or uncharacteristic elements that will lead to a further deterioration of that view (cumulative effects).

RV9a Road between A379 and steam railway bridge near Galmpton (one of two sequential views)

- 7.17 The proposed development would cause a clearly noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a moderate proportion of the direct view for road users rounding the corner (moderate geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV9a would be Medium adverse.
- 7.18 Given their high sensitivity to changes in view and the Medium adverse magnitude of change, vehicle travellers, cyclists and walkers would experience a Moderate adverse level of visual effect. As shown in the VVM for RV9a the proposed development would extend urban development into the open rural landscape in front of distant high ground, causing a readily apparent deterioration to the existing view which would result in a significant adverse visual effect from this footpath at Year 1.

- 7.19 The Year 10 VVM shows the proposed screen planting would to some extent soften the residual visual effects of the proposed development, although it would continue to be perceived as urban encroachment into the rural landscape in the long-term.

Views from Settlement Gap between Galmpton and White Rock

RV12 A3022 entrance to the 'Car Boot Field' at edge of Goodrington

- 7.20 No VVM has been prepared for this viewpoint, however, the southern edge of the proposed development is likely to be visible from RV12, on the southern boundary of 'Field 1' of the Appeal Site and on the north-eastern boundary of 'Field 2' of the Appeal Site, partially screened by the boundary hedgerows.
- 7.21 At this relatively close range, the proposed development is likely to cause a noticeable deterioration in the existing view (moderate adverse scale of change) in Year 1, affecting a moderate proportion of the view (moderate geographical extent of change) and result in a medium to long-term change (moderate temporal extent of change) until proposed screen planting has grown sufficiently to provide effective mitigation. When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV12 would be Medium adverse.
- 7.22 Given their medium sensitivity to changes in passing views and the Medium adverse magnitude of change, road users would experience a Moderate adverse level of visual effect. The proposed development would introduce uncharacteristic urban development into the rural Settlement Gap between Galmpton and White Rock, causing a noticeable deterioration to the existing view which would result in a significant adverse visual effect from this A3022 viewpoint at Year 1.
- 7.23 The Proposed Masterplan (Rev A) [APPEAL REF CD2.13] shows proposed hedgerow reinforcement on the southern boundary of Field 1 and what appears to be mitigation tree planting on the edge of proposed development in Field 2. By Year 10, reinforced hedgerow and tree planting would therefore to some extent soften views of the proposed development.

RV13 Junction of the middle footpath and the A3022 on edge of Goodrington

- 7.24 No VVM has been prepared for this viewpoint, however, the visual effects would be similar to those described below for RV14 below. The proposed development would cause a large deterioration in the existing view within the Settlement Gap between Galmpton and White Rock (substantial adverse scale of change) in Year 1, affecting a most of the view at this close range (substantial geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV13 would be Major adverse.
- 7.25 Given their high sensitivity to changes in view and the Major adverse magnitude of change, adjacent residents would experience a Substantial adverse level of visual effect. Footpath and road users would experience similar effects, albeit the level of effect may be slightly lower due to their lower sensitivity to changes to views. The proposed development would completely change the existing outlook over the rural landscape towards high ground within the South Devon AONB, by introducing uncharacteristic urban development into the existing view which would result in a significant adverse visual effect from this viewpoint for all visual receptors at Year 1.
- 7.26 Proposed screen planting would soften views of housing from RV13. However, the proposed development and associated screen planting would obstruct existing views over the rural landscape.

RV14 Junction of the northern footpath and the A3022 on edge of Goodrington

- 7.27 The proposed development would cause a large deterioration in the existing view within the Settlement Gap between Galmpton and White Rock (substantial adverse scale of change) in Year 1, affecting a most of the view at this close range (substantial geographical extent of change) and result in a permanent change (substantial temporal extent of change). When combining these judgements, it is therefore concluded that the magnitude of visual effect from RV14 would be Major adverse.
- 7.28 Given their high sensitivity to changes in view and the Major adverse magnitude of change, adjacent residents would experience a Substantial adverse level of visual effect. Footpath and road users would experience similar effects, albeit the level of effect may be slightly lower due to their lower sensitivity to changes to views. As shown in the VVM for RV14 the proposed development would completely change the existing outlook over the rural landscape towards high ground within the South Devon AONB, by introducing uncharacteristic urban development into the existing view which would result in a significant adverse visual effect from this viewpoint for all visual receptors at Year 1.
- 7.29 The Year 10 VVM shows proposed screen planting softening views of housing from RV14. However, the combined effect of the proposed development and associated screen planting would obstruct existing foreground and middle ground views over the rural landscape, leaving only views of distant high ground seen above the proposed development. RV14 is from a relatively elevated position, so views could be completely lost at a lower level further south along the footpath and from road level.

8. Summary and Conclusions

8.1 My name is Stephen Knott; I have a Bachelor of Arts degree and post graduate diploma in Landscape Architecture from Leeds Metropolitan University. I am a Chartered Member of the Landscape Institute and Senior Associate Director of Landscape Architecture in the Water and Environment unit of Jacobs. I have over 30 years professional landscape experience and am a professional practice examiner of the Landscape Institute.

Background and context

8.2 My proof of evidence covers the landscape and visual effects of proposed development on:

- the wider landscape forming part of the setting of the South Devon AONB;
- local landscape character;
- the Settlement Gap between White Rock and Galmpton;
- views from the South Devon AONB;
- local views and visual amenity.

8.3 The principal putative landscape reasons for refusal of Outline Planning Application P/2017/1133, Land to the South of White Rock, the subject of this appeal, are:

- The impacts of the proposed development on the natural beauty of the South Devon AONB would cause unacceptable harm; and
- The conflict between the proposed development and the landscape policies of the Brixham Peninsula Neighbourhood Plan, particularly Settlement Gap Policy E3.

The Appeal Site – Landscape and visual context

8.4 Key considerations for this appeal are that:

- The Appeal Site lies approximately 0.5 kilometres to the north-east of the South Devon AONB, is situated within its setting, and is visible from prominent viewpoints;
- The landscape within which the Appeal Site lies is highly sensitive;
- The Appeal Site is situated within a Settlement Gap between Galmpton to the south and the recent White Rock residential development to the north;
- The Appeal Site comprises rural agricultural land, not allocated for development and lies outside the settlement boundary of Goodrington.

8.5 The Appeal Site lies within the North Galmpton Area of Local Character (AoLC), described in Part 2 of the Torbay Landscape Character Assessment as highly sensitive to change.

8.6 The Appeal Site lies within the setting of the South Devon AONB and is clearly visible on the upper valley side of the River Dart from the AONB. The Zone of Theoretical Visibility map in Appendix II of the LVIA [APPEAL REF CD1.22] shows the proposed development to be potentially visible from several locations within the AONB.

- 8.7 The Appeal Site lies within open land between Galmpton and White Rock and defined as a Settlement Gap in the Brixham Peninsula Neighbourhood Plan (2012 to 2030) and maintaining clear separation between the two settlements.

Proposed masterplan

- 8.8 The proposed development, which comprises residential development of up to 373 dwellings, is shown on the Proposed Masterplan (Rev A) [APPEAL REF CD2.13]. The masterplan comprises residential development, a school and a pub, accessed from a proposed roundabout on the A3022 Brixham Road.
- 8.9 The proposed mitigation planting shown on the masterplan would not generally provide effective mitigation from elevated views of the Appeal Site from the South Devon AONB, even by Year 10, fifteen years after planting. Furthermore the proposed planting of small tree groups on 'mitigation land' shown on the masterplan, would not be in keeping with the existing landscape character of the North Galmpton AoLC and adjoining area.

Landscape and visual impact assessment methodology

- 8.10 The Landscape Position Statement (26 November 2020) [APPEAL REF CD7.15] sets out the areas of agreement and disagreement on landscape matters between Torbay Council, Brixham Town Council (the Rule 6 Party) and the applicant, including methodological matters. The section on methodological matters clarifies, inter alia, the assessment criteria used by the applicant for assessment of the landscape and visual effects of the proposed development.
- 8.11 The applicant's approach to establishing the baseline conditions of landscape character, together with its value and sensitivity to the nature of the proposed development, does not provide a sound basis on which to judge the likely effects of the proposed development on landscape character. The North Galmpton AoLC, recognised in the Torbay Local Plan, is considered to be the appropriate landscape receptor on which to assess the effects of the proposed development.
- 8.12 Figure 8 of LVIA Appendix II shows the representative viewpoint locations agreed between Torbay Council and applicant as the basis for the assessment of visual effects on receptors likely to be affected by the proposed development.
- 8.13 The applicant's assumed planting growth rates used to prepare the VVMs are disputed; It is not considered realistic that the general height of proposed screen planting would have achieved 4.5m to 5.5m on completion of construction (Year 1 of operation representing five years growth). Furthermore, the assumed height of planting by Year 10 (15 years after planting) of 7 to 9m is considered optimistic, given the elevated and relatively exposed nature of the Appeal Site.

Landscape effects

- 8.14 National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, Update February 2019) [APPEAL REF CD6.34], paragraph 172 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection.
- 8.15 Torbay Local Plan (2012 to 2030) [APPEAL REF CD6.16] Policy SS8 states that "... it will be particularly important to ensure that development outside the AONB does not have an unacceptable impact on the special landscape qualities of an adjoining or nearby AONB...".
- 8.16 The South Devon AONB Management Plan 2019 – 2024 (South Devon AONB Partnership, April 2019) [APPEAL REF CD6.10] defines a range of special qualities of the South Devon AONB, with those most relevant to this proof of evidence comprising:

- *"Iconic wide, unspoilt and expansive panoramic views;*
 - *Areas of high tranquillity...;*
 - *A variety in the setting to the AONB..."*
- 8.17 The special quality relating to setting explains that *"the hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB."*
- 8.18 The proposed development would extend uncharacteristic built development into the rural landscape which forms part of the South Devon AONB setting with only limited scope for mitigation, even after 15 years growth of the proposed planting mitigation. This would result in a significant indirect adverse effect on the landscape setting and character of the South Devon AONB.
- 8.19 The proposed development would change the character of the existing landscape on most of the Appeal Site from open farmland to residential development and curtail the characteristic long distance views towards the South Devon AONB from Brixham Road. The proposed development would be at considerable variance with the character of the landscape, encroaching beyond the existing well integrated urban edge of Goodrington. This would result in a significant direct adverse effect on the landscape character of the North Galmpton AoLC.
- 8.20 The proposed development would feature prominently in views from Brixham Road, substantially closing the rural gap, both visually and actually, between the urban areas of Galmpton and White Rock. There would also be a perceived reduction in the Settlement Gap from the northern edge of Galmpton, where there are likely to be partially screened views of the proposed development from open access land, adding to views of existing urban development in Goodrington.

Visual effects

- 8.21 Table 6 of the Landscape Position Statement, Areas of Agreement and Disagreement between the Appellant's LVIA, Torbay Council and Brixham Town Council, highlights those viewpoints where there is most disagreement with the LVIA findings on visual effects.
- 8.22 The South Devon AONB Special Quality relating to *"iconic wide, unspoilt and expansive panoramic views"* can be appreciated from a number of the representative viewpoints within the AONB, as can the sense of tranquillity.
- 8.23 The proposed development would result in significant adverse effects from the following representative viewpoints within the South Devon AONB, with proposed planting generally not providing effective mitigation:
- RV5d Footpath east of road from Capton to Dittisham near Cott Farm;
 - RV6a Recreational Trail on Fire Beacon Hill (one of two sequential viewpoints);
 - RV7a, RV7b, RV7c and RV7d Recreational Trail from near Fire Beacon Hill to Dittisham (four sequential views);
 - RV8a, RV8b and RV8c and John Musgrove Heritage Trail (three of four sequential views);
 - RV9a Road between A379 and steam railway bridge near Galmpton (one of two sequential views).
- 8.24 The proposed development would also result in significant adverse effects from the following representative viewpoints within the Settlement Gap between Galmpton and White Rock:

- RV12 A3022 entrance to the 'Car Boot Field' at edge of Goodrington;
- RV13 Junction of the middle footpath and the A3022 on edge of Goodrington;
- RV14 Junction of the northern footpath and the A3022 on edge of Goodrington.

Overall conclusions

8.25 I do not therefore agree with the LVIA **[APPEAL REF CD1.22]** conclusion at paragraph 12.1.9 (confirmed in the LVIA Addendum of March 2018 **[APPEAL REF CD2.22]** at paragraph 11.1.2) that there would be no significant residual landscape or visual effects as a result of the proposed development.

8.26 The proposed development would:

- Harm the setting and landscape character of the South Devon AONB;
- Result in a significant adverse effect on the local landscape character of the North Galmpton AoLC;
- Visually and actually reduce the Settlement Gap between Galmpton and White Rock;
- Breach the existing well-integrated Settlement Boundary of Goodrington;
- Result in significant adverse effects on iconic views from the South Devon AONB;
- Result in significant adverse effects on local views and visual amenity.