

# **Inglewood, Torbay Statement on Landscape, Visual and AONB Matters**

January 2020

V4

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## 1.0 Introduction

- 1.1 The statement outlines the process by which the landscape and visual impact of the development has been assessed; how the proposals have developed as a result of discussion with interested parties, and the issues that remain at contention.

## 2.0 Chronology With Respect to Landscape and Visual Issues

- 2.1 Relevant documents to the appeal are listed (with main comments summarised) in chronological order below:

**16/2/2017: Scoping Opinion issued by Torbay Council (ref – ES Appendix 3 – CD1.38)**

- 2.2 The LVIA methodology and viewpoints were agreed within the ES Scoping response. Torbay Council retained Paul Bryan, a landscape officer employed by Teignbridge Council, to comment on the application on their behalf. For succinctness, he will be described henceforth as the Torbay Landscape Officer (TLO).

- 2.3 Consultees included the South Devon AONB and the TLO, who requested that issues to be taken into account in scheme development included consideration of scale and lighting in relation to impacts on the setting of the AONB and a request for an iterative approach to design, responding to site character.

**May 2017 to March 2018: Torbay Landscape Officer Comments (CD 3.1, 4.24, 4.25)**

- 2.4 Consultation with the TLO continued through the design process pre and post application. The TLO was generally supportive of the proposal, subject to minor issues that were addressed through the design and consultation process. Changes were made to the indicative masterplan as a result of his comments. In his response dated 8<sup>th</sup> January 2018 (**CD4.24**) it is stated that “the impact on landscape is not of significance”.

- 2.5 The most recent TLO response (**CD4.25**) indicated minor residual areas of concern, none of which concerned issues of landscape or visual impact on the setting of the AONB or on the wider countryside:

1. More information on character areas would be of benefit;
2. Suggested minor changes to woodland blocks and management of fields 2 and 3;

3. Suggested changes to the March 2018 version of the LEMP.

The appellant would be happy to incorporate the changes suggested at the relevant detail application stage.

**March and May 2018: AONB Comment (CD 4.17, 4.18)**

2.6 Detailed consultation responses were received from the South Devon AONB unit. As a result, changes were made to the layout to address visual impacts from Waddeton Lane (VP16). However, the AONB unit maintained its objection in the most recent correspondence<sup>1</sup> for the following contended reasons:

1. The proposal does not conserve or enhance the landscape setting of Torbay;
2. The proposal does not conserve or enhance the AONB or its setting; and
3. The proposal would lead to the loss of open countryside.

2.7 In advancing these contentions the AONB unit's response refers to:

1. AONB Special Quality of: Iconic wide unspoilt expansive panoramic views;
2. AONB Special Quality of: Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement<sup>2</sup>;
3. The South Devon AONB Planning guidance<sup>3</sup>;
4. Torbay Local Plan policies SS8 and C1; and
5. South Devon AONB Management Plan policies PLAN/P2 (Great weight), LAN/P1 (Character), LAN/P5 (Skylines and Visual Intrusion) and LAN/P7 (Setting to the AONB).

**June and July 2018 Jacobs Report (CD1.41, 1.42)**

2.8 A further report was commissioned by Torbay Council in June 2018. The report contends that:

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<sup>1</sup> 10<sup>th</sup> May 2018

<sup>2</sup> AONB Special Qualities are detailed in the AONB Management Plan annex 1 (Planning Guidance) section 3.4 and Annex 4 (Understanding the Special Qualities of the South Devon AONB).

<sup>3</sup> Annex 1 of the South Devon AONB Management Plan. Sections 4.6, 8.10,

1. There would be significant residual adverse visual effects from representative viewpoints within AONB. Including from Firebeacon Hill (VPs 6 and 7) and from the John H Musgrave Trail (VP8);
2. There would be significant adverse visual effects from the westward extension to the urban edge of Paignton;
3. There would be significant cumulative effects (although the report notes that no independent assessment of cumulative effects was undertaken by Jacobs);
4. There would be adverse effects on the special qualities of the AONB, specifically upon what it perceived to be iconic wide panoramic views, tranquillity and the AONB hinterland comprising rural largely undeveloped countryside (i.e. the setting of the AONB);
5. The proposal was inconsistent with the Torbay Landscape Character Assessment; and
6. There would be harm to the openness and local landscape character in closing the settlement gap between Paignton and Galampton (The report referred to policy E3 of what was at the time the unadopted Draft Neighbourhood Plan).

**June 2018: NPA issued a rebuttal to the points raised in the Jacobs Report (CD1.43)**

2.9 A summary of the points made by NPA include:

1. The TLO has agreed, not only with the NPA methodology and process, but also with the LVIA conclusions; and
2. The AONB Unit has agreed the LVIA methodology and process.
3. In the Jacobs assessment, some of the conclusions reached agree with NPA but others are different and are considered to be significant.

2.10 The Jacobs assessment, while using the NPA criteria, has used a different approach to assessing the visual effects of the proposals. Jacobs assessed the visual effects on a limited and selected number of representative viewpoints and assessed the effect only on that static view, looking towards the site. Viewpoints were agreed with the Council and the AONB as part of the EIA scoping process (Scoping Opinion, ES App3 - **CD1.38**

**pp14 – 15 and App3 of that appendix, p29).** NPA have assessed the visual effects on visual receptor groups which recognises that receptors/viewers move through a landscape and views gained are not static. For that reason, the NPA assessment is considered to represent the visual receptors' experience more closely than the alternative approach taken by Jacobs.

- 2.11 It is considered that the conclusions reached in the submitted LVIA and Addendum remain valid. It is recognised that, once operational, the development would have some minor to negligible adverse impacts on landscape and visual receptors in the AONB but it is considered that the residual effect would not be significant (Effects are summarised in the submitted LVIA Addendum App.1 **CD2.22 and CD2.46**). The NPA assessment does not underestimate the indirect effect of the proposals on the local AONB landscape, the special qualities of the AONB, or on the visual amenity of the AONB.

**July 2018: David Wilson Partnership (DWP) Comment (CD 2.31)**

- 2.12 In the light of observations from the AONB unit and the Jacobs report, the appellant felt it prudent to commission an independent, critical review of landscape issues regarding the AONB. Peter Leaver, a director at David Wilson Partnership, has been retained by the North Devon AONB to advise on landscape matters since 2009. It was considered that he was suitably qualified and experienced to provide an independent comment on the likely impact of the proposal on the AONB. The DWP report concluded that:

1. The change to local landscape as a result of land management proposals highlighted as a concern by the TLO in their January consultation response had been addressed through the revised LEMP and farm management plan (March 2018 – **CD2.21**);
2. The development presents an opportunity to redefine the urban edge of Torbay from one that is determined by road networks to one that is based on the principles of green infrastructure planning and
3. Whilst the proposal would be a noticeable addition to the setting of the AONB, changes to the landscape character or special qualities of the AONB would be minor in nature, as described in the submitted LVIA.

**November 2018: Michelle Bolger Expert Landscape (MBEL) Comment (CD5.1):**

2.13 A further assessment was commissioned by local residents<sup>4</sup>. It opined that the landscape and visual effects of development would be significant and adverse. In particular:

1. There would be a loss of open countryside and would not conserve protect and enhance local landscape character (TLP policy C1);
2. There would be an unacceptable impact on the special landscape qualities of the AONB (TLP policy SS8);
3. The proposed development would not protect skylines and open views out of and into AONB (AONB Management Plan policy LAN/P5); and
4. Would not maintain quality and character of deeply rural character of land within the setting of the AONB (AONB MP policy LAN/P7).

**January 2020: LVIA Addendum – Visualisations (CD2.46)**

2.14 In the period between the submission of the LVIA and the date of this appeal, there have been significant changes both in best practice guidance on the presentation of visualisation for development proposals, and to the visual baseline, due in particular to new development to the north of the site. The MBEL comment (**CD5.1**) also highlighted an issue that the submitted VVMs anticipated a white or light coloured render throughout the development. Updated visualisations have been prepared to account for these changes. For the sake of completeness and clarity, a selection of the submitted photographs and visualisations have also been reconfigured to allow for variety in cladding materials and colour. Detailed methodology, rationale and comment are described further in the LVIA Addendum (**CD2.46**).

### 3.0 Anticipated LPA Concerns

3.1 A number of issues in relation to landscape and visual impact have been raised by the LPA, most recently in a letter of 28 August 2019, which refers to impacts on the AONB and highlights in particular views from vantage points at Firebeacon Hill, Dittisham and Galmpton. Whilst the application has not been determined (and there is no officer's report

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<sup>4</sup> Michele Bolger Expert Landscape Consultancy 18 November 2018

or reasons for refusal) it is inferred that the LPA position will have been informed by the comments noted in section 3 (above). These raise the following issues that might form the nature of the LPA's concerns:

1. Whether there would be an unacceptable impact on the special landscape qualities of the AONB (Policy SS8) and on the natural beauty of the AONB (NPPF paragraph 172);
2. Whether there would be an adverse effect on the conservation and enhancement of distinctive landscape character of Torbay (TLP Policies C1, SS8, SS9); and
3. The consequence of a loss of open countryside (Policy C1) and the potential for merging of urban areas and surrounding settlements to the detriment of special character (BPNP policy E3).

#### 4.0 Whether there would be an unacceptable impact on the special landscape qualities of the AONB (Policy SS8) and on the natural beauty of the AONB (NPPF Para 172)

- 4.1 Local Plan Policy SS8 notes that it is important that development outside the AONB does not have an unacceptable impact on the special landscape qualities of a nearby AONB. We note that while the AONB Management Plan is not a Development Plan document, it does provide guidance on the nature of special qualities that might inform interpretation of policy SS8. "Special qualities" are described in the AONB Management Plan (Annex 1 and Annex 4 **CD 6.10** p9<sup>5</sup>). The document sets out 10 special qualities of the AONB. In describing the qualities, the annex notes the rationale for their inclusion as a special quality and their contributing distinctive characteristics. (**CD 6.10**)

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<sup>5</sup> AONB Management Plan p3 and Management Plan Annex 4 p9: *Ten special qualities summarise the unique 'natural beauty' for which the South Devon AONB is designated as a nationally important protected landscape* "**Natural Beauty** covers everything, including landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features and cultural heritage, that add together to make an area distinctive. It is a high level, over-arching term. **Special Qualities** are a subset of Natural Beauty, distilling the key attributes that make the area special and worthy of designation as an AONB. They apply to large areas or all of the AONB. **Distinctive Characteristics** are those components that define what it is that gives South Devon its sense of place. They generally apply to areas smaller than the AONB as a whole. **Key Features** are specific and detailed locations, places, landmarks, occurrences, events etc. that are of particular significance to South Devon and help illustrate how or where the special qualities, distinctive characteristics and natural beauty can be seen.

4.2 The appeal site is not within or directly adjacent to the AONB boundary. It sits within the wider setting of the South Devon AONB in an area that includes the upper slopes of the Dart Valley and the Torbay conurbation. As a result, the special qualities that relate to physical features and characteristics within the designated area are not of relevance. Consultees have drawn attention to three qualities that could be susceptible to change as a result of external influences<sup>6</sup> (there has been no indication that other qualities are of concern):

**A. Iconic wide, unspoilt and expansive panoramic views**

4.3 The AONB Management Plan in its description of this special quality notes that open and uninterrupted panoramic views offer a sense of remoteness, wildness and scale and that vantage points that only contain natural features are a highly valued resource (AONB Management Plan Annex 1 p24 **CD6.10**). This description does not fit views of the appeal site from the AONB (the agreed viewpoints in the AONB are VPs 6,7,8 & 9, contained in the submitted LVIA Figures **CD 1.22 & CD2.46**). Views of the site include the presence of the existing built up areas of Torbay as a significant element and cannot be described as containing only natural features. The characteristic of the special quality relating to unspoilt (i.e wild or natural) views is not readily appreciated in the area of the AONB from where the site is visible.

4.4 It is accepted that wide and expansive panoramic views over Torbay and its urban area are available from VPs in the AONB. The introduction of the proposed development would result in only a minor change in the character of those views and would cause no undue harm to the special quality (DWP report **CD2.31** p12-13). The proposal would have no effect on unspoilt views that only contain natural features.

**B. Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement**

4.5 The AONB Management Plan in its description of this special quality notes that responses to the landscape, particularly its sense of timelessness, wilderness, remoteness and peacefulness are significant in much of the AONB. Dark night skies are particularly valued

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<sup>6</sup> AONB comment CD 4.17, Jacobs Comment CD 1.42 p7 MBEL comment CD 5.1

(AONB Management Plan Annex 1 p28 **CD 6.10**). The characteristics that are distinctive to this quality include:

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

4.6 Key to assessment of the effect of development on this special quality is an understanding of what is meant by tranquillity. The South Devon AONB unit use two definitions that are helpful (AONB Management Plan **CD6.10** Glossary p49 and Annex3 p46). NE Guidance for Designation (**CD7.2** Appendix 1) provides indicators of contributors to and detractors from tranquillity (as well as indicators for factors of wildness, remoteness and openness).

4.7 The effect of the development on the sense of tranquillity perceived by receptors in the AONB would be indirect, as the site is outside the AONB boundary. The factors that contribute to tranquillity are already heavily affected by the influence of the conurbation of Torbay on the AONB, traffic noise and light pollution (DWP report **CD2.31** p13). The characteristics (noted above) that contribute to the quality of tranquillity are absent in views of the site from the AONB.

4.8 The development would be a noticeable addition to some views from the AONB towards Paignton, but the extent to which receptors in the AONB would experience any change to the sense of remoteness or tranquillity would be minor at worst (Submitted LVIA Addendum **CD2.22** App1 and **CD2.46**, DWP report **CD2.31** p13-14).

**C. 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**

4.9 The AONB Management Plan in its description of this special quality notes that the setting of the AONB provided by surrounding areas of land, sea and urban settlement is of great significance and that distant views include significant features not in the AONB (AONB Management Plan Annex 1 **CD6.10** p29). Distinctive characteristics of the quality include:

1. That Torbay and Plymouth are important components of the AONB setting and contrast strongly with the area's deeply rural nature.
2. 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.
3. That rural largely undeveloped countryside, farmland and woodland is significant as setting for the AONB.

4.10 The site is within an area that displays the first characteristic of the special quality (a rural area contrasting strongly with surrounding urban character). The proposal would modestly alter the balance of rural and urban landscape in the setting, but the change to the character of the setting as it affected the AONB would be minor.

4.11 The setting of the AONB in the area of the site cannot be described as deeply rural or largely undeveloped (LVIA **CD2.22** and **CD2.46**, viewpoints 6 and 8), DWP report **CD2.31** pp14-16). Those characteristics do not contribute to the special quality of setting in the case of the appeal site.<sup>7</sup>

### Summary:

4.12 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 appeal proposal would cause no or only minor adverse impacts on those qualities and is considered acceptable in terms of policy SS8 part 2.

4.13 The first part of NPPF para 172 is relevant to the appeal. The site is some distance from the AONB although it is within the setting of the designated area. In giving great weight to conservation and enhancement of scenic beauty, the Inspector is asked to consider the results of the submitted LVIA addenda (**CD2.22 Appendix 1 and CD2.46**) which

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<sup>7</sup> The site sits within the Torbay Hinterland Devon Landscape Character Area (DLCA **CD 6.3**). The DLCA assessment includes a list of distinctive characteristics, special qualities and features. It mentions the landscape's role as setting for Torbay, but not as setting for the AONB. The landscape strategy includes for protection of setting of Torbay, but not of AONB. By comparison, the DLCA of Plymouth and Modbury Farmlands (just north of the S Devon AONB - **CD 6.3**) refers to setting of the South Devon AONB as both a special quality and as an attribute for protection.

predicts minor or negligible effects on receptors within the AONB as a result of the proposal. That conclusion is borne out by the independent assessment of the proposals carried out by DWP (**CD2.31**).

## 5.0 Whether there would be an adverse effect on the conservation and enhancement of distinctive landscape character of Torbay

- 5.1 The local planning context requires the promotion of change within Strategic Delivery Areas in a manner that also delivers landscape protection and enhancement. The evidence will demonstrate how the scheme delivers this, how the scheme was adjusted in response to public and stakeholder consultation feedback and why the landscape and visual impacts of the scheme would not be significant, overall. Whilst the scheme has been shaped by feedback received, it is noteworthy that the TLO has previously also confirmed in correspondence (**CD4.25**) that it was his view that ‘the impact on landscape is not of significance’.

### Local Landscape Character Assessments and the Sensitivity of the Landscape

- 5.2 The principal published landscape assessment which is relevant to this appeal is the assessment of LCA10 the North Galampton Rolling Farmland, as identified in the Torbay Landscape Character Assessment (TLCA) (**CD6.1 and 6.2**). Other published character assessments relevant to the site and the study area include the assessment of the Torbay Hinterland LCA and Landscape Character Type 3B Lower rolling farmland and settled valley slopes (Devon Landscape Character Assessment - DLCA **CD6.3**), and at a broader scale the South Devon NCA Profile 151 (**CD6.4**).
- 5.3 Evidence relating to the site and local landscape’s sensitivity will demonstrate that the application site and its more immediate context is not currently designated for its landscape value at any level. In these circumstances NPPF paragraph 170a identifies that these areas of landscape should be afforded protection ‘in a manner commensurate with its statutory status or identified quality in the development plan’.
- 5.4 The appeal site study area, as defined in the submitted LVIA, and the assessment of LCA10 in the TLCA both identify a visual interrelationship between the landscape of the appeal site and the South Devon AONB to the south and west. Whilst there are no direct effects on this area, Local Planning Authorities have a duty under the CROW Act 2000 to

have regard to effects of proposals on the AONB. There has been detailed consideration of the effects on the published special qualities of the AONB and the current AONB Management Plan by the appellant as summarised in Section 4 above.

- 5.5 Whilst it is recognised that, historically, the Torbay LCA10 was located within an Area of Great Landscape Value (a County level designation), this area was extensive and identified as covering the whole of the fringe of Torbay. As a result of this, it inevitably would have included areas of variable landscape character and quality and areas that could potentially accommodate change. Against this background, a landscape character assessment based approach, as referenced in the Natural Environment section of the PPG (Landscape, Paragraph 037 Reference ID: 8-037-20190721, Rev date 21 07 2019 **CD6.11**) is now recognised as a more appropriate means of assessing landscape and visual sensitivities and capacity for change at a local level. The submitted scheme LVIA baseline includes a landscape and visual assessment.
- 5.6 It is recognised that countryside has intrinsic character and beauty, as identified in NPPF paragraph 170b.
- 5.7 The TLCA is the local plan reference for an assessment of landscape sensitivity. On page 35 in Part 2 of the TLCA (**CD6.1 and 6.2**) assessment concludes that LCA10 the North Galmpton Rolling Farmland is a landscape with a high sensitivity.
- 5.8 Evidence for the landscape in which the appeal site is located being of no more than moderate community value and of limited susceptibility to the type of development proposed and medium sensitivity overall, is summarised below:

### **Landscape Value**

- 5.9 The value of this landscape is judged to be moderate at a community level overall, including on the basis that:
1. This is a landscape which is not recognised by a formal landscape designation, at any level, but some parts of it have an interrelationship with parts of the South Devon AONB;
  2. Whilst this landscape was historically identified as part of an Area of Great Landscape Value this was a wide-ranging designation covering the whole fringe of Torbay, including landscape of variable value within it;

3. This local landscape includes areas and features which are valued at a community level, some parts of which contribute to the setting of existing settlement and/or to local visual amenity; and
4. This landscape does not provide any public access or recreational value.

### **Landscape susceptibility**

- 5.10 The ability of this landscape to accommodate development of the type proposed is judged to be moderate including on the basis that:
1. This landscape is able to accommodate the type of development proposed without undue negative consequences;
  2. Attributes that make up the character of the landscape offer some opportunities for accommodating the change without loss or detriment to key positive features; and
  3. This landscape also has potential for landscape, natural capital and access enhancement, in combination with the type of development proposed.

### **Overall sensitivity**

- 5.11 **Medium** – the assessment noted that this is a local landscape that:
1. Comprises commonplace elements and features creating a generally unremarkable character but with some sense of place; and
  2. Has no statutory landscape designation, with areas of variable quality and condition but which has some limited intervisibility albeit at some distance with the surrounding wider AONB landscape;
  3. Includes some features valued due to their perceptual qualities, however, these are away from the existing urban edge as the land falls away more steeply, in places that are more secluded;
  4. Contains some features and elements that cannot be replaced.
- 5.12 Furthermore, there is evidence in a comparative assessment of LCA1P South Galmpton and Lupton on pages 36 and 37, in part 2 of the TLCA (in **CD6.2**) that there appears to be an inconsistency of approach in reaching conclusions on levels of sensitivity, in this

part of the local plan evidence base. That particular LCA is within the AONB, has predominantly grading of substantial/high alongside landscape quality/condition, value and visual sensitivity and yet is concluded with the same sensitivity level as LCA10. This brings the conclusions for LCA10, which is being relied on by the Local Plan, into question.

- 5.13 The above evidence draws upon the submitted LVIA and published sensitivities, opportunities, capacity statements and strategies identified for this landscape character area (LCA10) within the Torbay Landscape Assessment (**CD6.1 and 6.2**), Devon Landscape Assessment (**CD6.3**), NCA151 South Devon (**CD6.4**), in combination and has been prepared with the benefit of a detailed site assessment.
- 5.14 The above appraisal demonstrates that the sensitivity of the local landscape is assessed as no more than medium with potential for protection and enhancement of positive landscape characteristics and features. The proposed scheme includes a range of on and off site measures that would indeed protect and enhance some of the positive features of the local landscape. On site measures include hedgerow strengthening and planting woodland blocks, as described in the Design and Access Statement (**CD2.23**) and the LEMP (**CD2.21**). Whilst there is a relationship between this landscape and parts of the surrounding South Devon AONB of recognised high sensitivity, these sensitivities are capable of being effectively addressed through site design and mitigation measures, as described in the DAS and the LVIA addendum (**CD2.22**).
- 5.15 The National Character Profile (NCA 151 **CD6.4**) identifies opportunities for landscape and natural capital enhancement that the scheme helps to deliver in the Torbay area. These opportunities include integration of new areas of development on the edge of Torbay into the wider landscape and the creation of new areas of accessible greenspace.

### **The Capacity of the Landscape to Accommodate the Proposal**

- 5.16 The submitted PDAS/Urban Design Framework (**CD2.24**) and Urban Design Regulatory Plan (UDRP) (**CD2.27**) will be referenced to provide evidence:
1. That early identification of the landscape and ecological issues and opportunities informed a scheme that has been developed sensitively, taking landscape and ecology issues as central considerations (See **CD2.21** and **CD2.12**);

2. That the scheme includes a strategic framework which is responsive to the landscape and visual capacity of Torbay LCA10 (**CD6.1 and 6.2**) and the strategy and guidelines contained within the Devon County Landscape Character Assessment (DCLCA) (**CD6.3**) for the Torbay Hinterland and those of the Torbay Green Infrastructure Delivery Plan (**CD6.7**); and
3. That the scheme is compliant with TLP Policy C1, SS8, SS9, DE1(17) and the BPNP Policies E1, E3, E6 and BH5.

5.17 Despite part of the land being open to view from the south, submitted photomontages in LVIA Addendum January 2020 Appendix 5, Parts 1 to 3 (**CD2.46**) will be referenced to demonstrate the effectiveness of the scheme proposals in mitigating the potential visual effects on the South Devon AONB. VVM Viewpoints 3, 5D, 6A, 7A, 7D, 8C, 9A, 19 will also be used to demonstrate that the appeal site does not sit within an area of undisturbed skyline in these key views and instead would be seen from the south on land set down below existing housing on rising ground to the east and against a backdrop of proposed woodland at White Rock on more elevated rising ground to the north.

5.18 Furthermore, although the urban edge will extend beyond the existing edge of Goodrington it will be demonstrated that a new settlement edge can be effectively defined to integrate the new development by strengthening existing field boundaries. It will also be shown that the new development would avoid intruding onto the topographic ridge around this edge of Torbay (identified in **CD6.3**, under the DCLCA profile for the Torbay Hinterland). It will also be demonstrated that the scheme does not extend onto steeper local slopes and valley areas which will conserve existing 'green fingers' connecting town and country in this part of the Torbay Hinterland (also identified in the profile for this DCLCA in **CD6.3**).

5.19 The LVIA Appendix 5 Addendum visual representations (in **CD2.46**) demonstrate that the limited extent and the scale of the proposed scheme within LCA10 in the TLCA and within the White Rock extension area, identified in BPNP Aecom Housing Assessment 2017 (**CD6.5**), will enable this development to be accommodated whilst minimising wider impact.

5.20 Submitted photomontages (**CD2.46**) and the submitted Green Infrastructure Plan (**CD2.12**) will be used to demonstrate how the proposed scale of development within a

discrete area north of Galmpton minimises the loss of open countryside, is sensitively sited with respect for the Galmpton and Waddeton Conservation Areas, avoids identified valued landscape characteristics and features and how the scheme is responsive to the context of the South Devon AONB. The scheme effects on the special qualities of the AONB and accounting for the AONB Management Plan and Planning Practice Guidance supplement have specifically been addressed in detail in **Section 4** of this SoC.

- 5.21 Scheme mitigation measures, (including areas of conserved open land, conserved and created views, and strengthened field boundaries that have been incorporated following a landscape and visual impact assessment and refined in response to stakeholder feedback), will be referenced on the submitted Green Infrastructure Plan and scheme masterplan. Design principles underpinning the sensitive siting of the development, for conserving long distance views in and out from this area and for strategically placed planting measures in combination with the reinforcement of hedgerow boundaries, will be highlighted in line with the Torbay Landscape Assessment recommendations for this character area.
- 5.22 The submitted landscape and GI strategy for the scheme is focussed on enhancement of the existing hedgerow network whilst integrating the existing and new urban edge effectively in views from the AONB to the west. The proposals also effectively integrate with the proposed planned strategic planting around the extension to the site at White Rock, also in line with the strategy recommendations in the TLCA, for this area. BPNP Policy E6 views and vistas (BPNP, page 55), have also been accounted for and effects on these mitigated by the proposals, as evidenced in VVMs in the LVIA Appendix V Addendum (**CD2.46**).
- 5.23 The development of the scheme included consideration of landscape sensitivity as a central tenet of the design strategy. The scheme respects the BPNP Settlement Gap policy and criteria, by maintaining clear visual and perceptible separation between Galmpton, the scheme and White Rock. The scheme respects the valued functions of the settlement gap by avoiding valued local features and by preserving the discrete identity of Galmpton, and the White Rock development which is adjacent to the application site. A conserved local valley feature and open farmland to the north of Galmpton and the green spaces and buffers incorporated within the scheme would maintain an open characteristic which also draws in views of distant landscape to the south and west. In addition, the distinct conserved local landscape features of a local

valley alongside Galmpton and an intervening hill top south of White Rock would maintain perceived separation when moving between these places, preventing coalescence or merging of these places with this new edge to Goodrington. Furthermore, the restricted scale and extent of the proposed scheme would conserve valued corridors or 'green fingers' which physically connect to and interact with the wider countryside. The effects on the Settlement Gap Policy E3, which also refers to Torbay Local Plan Policy C1, are addressed in further detail in Section 6 of this SoC.

### **Conclusions from submitted LVIA**

- 5.24 The evidence will draw upon the submitted LVIA, which forms part of the submitted Environmental Assessment to summarise the conclusions of that assessment based on consideration of the scheme design strategy, identified above. The findings demonstrate the effectiveness of the scheme mitigation proposals in reducing landscape and visual effects so that they would not be significant overall.
- 5.25 An additional response will be made in the evidence to the comments received to date, on the LVIA, made by consultees and third parties, drawing on and expanding on the previously submitted NPA rebuttal and DWP report. This will confirm that the judgements reached are sound and that it is a robust LVIA assessment, prepared in accordance with industry guidelines (GLVIA3, **CD6.8**).
- 5.26 This part of the evidence will conclude, with reference to the PDAS (**CD2.23**) and LVIA (**CD1.22, 2.22, 2.46**), that the sensitive and/or important landscape and visual aspects of this local landscape, identified in the Torbay LCA, and the BPNP Settlement Gap between Galmpton and Torbay would be protected and any adverse effects minimised, such that this development would not result in adverse effects which would preclude the granting of planning permission on landscape and visual grounds.

## **6.0 Loss of open countryside (Policy C1) and merging of urban areas and surrounding settlements to the detriment of special character (BPNP policy E3)**

- 6.1 The Torbay Landscape Assessment (TLCA Pt2 **CD 6.2** pp34-35) considers that the existing urban edge of Torbay is well integrated into the landscape and that further development would extend into open countryside. It concludes that there is only limited

potential for landscape change and suggests that development could impinge on the quality of views from the AONB<sup>8</sup>. The TLCA was written almost 10 years ago and is now outdated. It does not take account of more recent development on the edge of Torbay that has altered the character of the landscape east of the conurbation. The relevance of Brixham Road as a development boundary has been reduced as a result of built and consented development.

6.2 The Brixham Peninsula Neighbourhood Plan (BPNP policy E3) identifies a settlement gap between Galmpton and Whiterock which encompasses most of the proposal site.<sup>9</sup> Three purposes of the settlement gap are identified in the policy:

1. to provide an open characteristic to the area, drawing in distant views;
2. to provide separation to prevent coalescence between settlements (in this case between Galmpton and Paignton);
3. to protect corridors that physically connect and interact with the wider countryside.

6.3 It is noted that while the site has been identified in policy E3, land closer to the northern edge of Galmpton and between Galmpton and Broadsands is not included in the policy<sup>10</sup>. A Brixham Landscape Strategy was prepared as part of the evidence base for the BPNP. It considers in detail areas of settlement gap around the edge of Brixham, but its study area stops short of the site.

6.4 In relation to the first two purposes of policy E3: The rural gap between Galmpton and Whiterock and between the site and Whiterock would be reduced in size as a result of the proposal. The function of the settlement gap as set out in BPNP E3 would still be met in that there would still be substantial areas of open countryside to the south of the developed part of the site separating Galmpton and the proposal site. Extensive landscape treatment would filter views of both the proposed development and of existing urban extensions in views from Galmpton, such that in travelling between areas, there would be a clear and distinctive experience of leaving one settlement behind, passing

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<sup>8</sup> Torbay Landscape Character Assessment pp34-35. The TLA was undertaken at a time when Torbay's Local Plan contained an Areas of Great Landscape Value policy. This is no longer the case.

<sup>9</sup> Draft Brixham Neighbourhood Plan (BNP) policy E3.

<sup>10</sup> BNP Policy Maps

through another quite different area (the Gap) before entering another quite separate settlement.

- 6.5 In relation to the third purpose of policy E3: Brixham Rd currently defines the edge of the urban area, but it is a harsh boundary that does not assimilate well into the landscape. It forms a physical barrier to access from Paignton to the countryside – a fast road with no footpath on the western side. Torbay’s Local Plan, evidenced by the Green Infrastructure Strategy (GIS) (**CD6.7** Map 2 and p10), recognises the role of the road as a barrier and assesses the housing on Hunters Tor Drive as being an Accessible Greenspace Focus Area, “where there is a clear need to improve accessible greenspace”<sup>11</sup>. The GIS and Local Plan Policy SS9 propose (subject to landowner consent), a country park and improved access on land to the west of Brixham Road in the vicinity of the development site.
- 6.6 The proposal will, in conjunction with recent developments to the west of the road at White Rock, redefine the edge of Torbay on its south west boundary. The approach to development outlined in the appeal proposal will address issues of urban sprawl on the edge of Paignton and contribute to the enhancement of green infrastructure.

## 7.0 Planning Policy Compliance

- 7.1 The following paragraphs summarise how the proposed scheme complies with the local plan and other planning policy in a landscape context.

### **National Planning Policy Framework para 172**

- 7.2 The development is not within the AONB, so the second part of para 172 does not apply. Residual landscape effects, effects on special qualities and effects on visual receptors are to be given great weight, but these effects are indirect (as the site is outside the AONB) and the overall effects are not judged to be significant.

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<sup>11</sup> Torbay Green Infrastructure Delivery Plan,

### **Torbay Local Plan Policy C1**

- 7.3 The proposals will conserve landscape character, include the provision of green infrastructure and adhere to planning guidance associated with Greater Horseshoe Bats and Cirl Bunting in Policy NC1. This proposal positively addresses these issues.
- 7.4 Alongside the requirements of Policy C1, although the scheme will lead to some loss of open countryside, the loss would be modest and the proposal well related to the existing urban edge. The proposal has been developed with the conservation of landscape character as a core consideration, avoiding the creation of urban sprawl. The Green Infrastructure scheme (which aligns with Policy SS9a) has located and integrated the development proposal in a manner that avoids the merging of urban areas and surrounding settlements and safeguards area of special rural character. Under Criteria listed under Policy C1 it is considered that in landscape terms there are limited grounds for resisting this proposal.

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

- 7.5 The 2<sup>nd</sup> part of Policy SS8 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 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 only minor adverse impacts on those qualities and is considered acceptable in terms of policy SS8 part 2.
- 7.6 Policy SS8 requires that all development should have regard to its setting and positively contribute to the conservation and enhancement of natural assets, biodiversity and the setting of the bay. The Green infrastructure strategy for this scheme will safeguard, conserve and enhance valued attributes commensurate with their importance, outside of the AONB, an approach to development which is supported by the local plan at Policy SS8, part 3. In this case the following landscape attributes will be safeguarded and enhanced: hedges and hedge banks, mature trees, woodland copses and belts, views out from the development, areas of valued open land.
- 7.7 Furthermore the scheme is underpinned by a robust on and offsite biodiversity strategy delivering 'net gain' in compliance with SS8 Part 1 and includes a Framework Landscape and Ecological Management Plan (**CD2.21**), Farm Management Plan (**CD1.19**) and EIA

based landscape mitigation strategy (**CD1.17 and CD1.18**) which complies with SS8 Part 4.

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

- 7.8 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 day one. 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, and 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 DE1 (17) and DE4**

- 7.9 Policy DE1 (17) Design under the category Visual Appeal requires the protection of important local and longer- distance views and impact on the skyline, from public vantage points, having regard to the location and prominence of a site. The extent and layout of the scheme has been shaped to maintain the distant long views from the A3022 across to elevated parts of the South Devon AONB to the south and new public views out to the south and west would be created. The extent and layout of the scheme is such that it avoids the topographic ridge, identified in the DCLCA (**CD6.3**) for the Torbay Hinterland when viewed from public view points in the AONB and from within Torbay and from its coastline. The detailed form of the scheme has been refined in response to detailed consultation to protect a local skyline viewed from Waddeton. Furthermore, in response to DE 4 Building Heights, rooflines have been given sensitive consideration and respect skyline and positive long-distance views across the site and buildings have been sited away from maintained open buffer greenspace areas to protect these attributes.

### **Brixham Peninsular Neighbourhood Plan Policy E3**

- 7.10 The functions of the Settlement Gap identified in Policy E3 of the BP Neighbourhood Plan will continue to be provided. The scheme extent and design strategy maintains views to

distant landscapes and open characteristics where they are most important and 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 provided separation between this area and 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 GI 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>12</sup>, a principle established through local plan policies elsewhere in the UK and upheld in a number of Decision Letters (such as the Fareham Landscape Assessment Part 3, 2017, (CD6.9) LDA and Mead Park Appeal CD9.1).

### **Brixham Peninsular Neighbourhood Plan Policy E6 and E1**

- 7.11 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. This proposal which has been founded on a formal landscape and visual assessment, accounts for and safeguards public views out across the site toward Fire Beacon Hill in the South Devon AONB from a 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 LCA10) as defined within the TLCA, May 2010 (CD6.2, Part 2, Page 35). Specific indirect landscape and visual effects on the South Devon AONB and Policy E1.3 have been addressed in detail in the previous section.

### **Brixham Peninsular Neighbourhood Plan Policy BH5**

- 7.12 Submitted Photomontages (in CD2.46, the LVIA Appendix 5 Addendum CD2.22) illustrate how the scale of the proposed development, the building height strategy and subsequent building finishes in combination with the green infrastructure framework

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<sup>12</sup> Quote taken from the Fareham Landscape Assessment Part 3, 2017, (CD6.9)

would deliver a scheme that enables sensitive visual integration in this location, in a manner which respects the character and appearance of the surrounding area. At the same time the proposed material finishes indicated, would also sensitively respond to Policy BH5 Good Design, by reflecting the building material palettes and finishes which are typically found representing the local vernacular.

### **The Government's 25 Year Environment Plan**

- 7.13 From a landscape and visual perspective the recommended design and mitigation measures for the scheme perform multiple functions and have been located in the submitted Urban Design Regulatory Plan (**CD2.27**) where they can maximise the delivery of targets associated with clean air, water quality management, thriving plants and wildlife habitat (including off site habitat for Greater Horseshoe Bats and Cirl Buntings and tree planting - enhancing carbon sequestration), sustainable use of resources, enhancing engagement with the natural environment, mitigating and adapting to climate change, thereby delivering net gains and enhancing natural capital.
- 7.14 In this way the scheme introduces environmental benefits which would not exist without it and which reflect the Government's Environment Plan objectives.

### **Overall**

- 7.15 In conclusion, the scheme before the Inspector, whilst resulting in some change in land use, is underpinned by design principles and an approach which aligns with the proposed landscape capacity judgements and strategy identified for this specific landscape character area in the DLCA and TLCA. It also demonstrates accord with Policy C1, SS8 and SS9 of the local plan. Furthermore, the scheme would deliver beneficial landscape interventions including delivery of the identified SS9.3 local plan Green Infrastructure and countryside access enhancement, alongside a net gain in biodiversity and natural capital. This also aligns with the approach set out within NPPF 2019 paragraph 170d, the PPG on the Natural Environment and the Government's 25 Year Environment Plan.
- 7.16 The BPNP housing site allocation approach (set out on pages 82-84 for Brixham Road, White Rock (White Rock Extension) in **CD6.6**) rejects the site from further consideration. That approach does not reflect the findings of the Aecom Update Site Appraisal - a key part of the evidence base for the neighbourhood plan (**CD6.5**) nor its recommendation

that the land was 'Potentially Appropriate' for housing. The scheme design identifies how a suitably scaled and sensitive proposal would be appropriate in this location.

## 8.0 Conclusion

- 8.1 The appeal site is not within the designated AONB. The development would not result in unacceptable harm to the special landscape qualities of the AONB and complies with Local Plan Policy SS8 in that regard. There would be no direct changes to the landscape of the AONB and only minor changes to those elements of scenic beauty defined by setting (NPPF para 172).
- 8.2 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 and incorporates Green Infrastructure criteria listed in policy SS9.
- 8.3 The proposal will lead to some loss of open countryside, the loss would be modest and the proposal is well related to the existing urban edge (Policy C1). The purposes of the settlement gap defined in the Brixham Peninsula Neighbourhood Plan policy E3 would be met by the proposed development.
- 8.4 Given the above, the scheme is consistent with the objectives of the Local Plan, the Neighbourhood Plan, the NPPF and other relevant legislation in landscape terms.