

LPA REF: P/18/1118/OA - AND - P/19/0460/OA

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APP/A1720/W/20/3252185

NOVEMBER 2020 | JWA | BRS.4989



**FL&BH 1.4**

**APPEAL BY FAREHAM LAND LP AND BARGATE HOMES LTD**

**AT NEWGATE LANE (NORTH) AND LAND AT  
NEWGATE LANE (SOUTH), FAREHAM, HAMPSHIRE**

**LANDSCAPE AND VISUAL MATTERS:  
REBUTTAL EVIDENCE**

**PREPARED BY:**

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### APPENDICES

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## **1. Introduction**

- 1.1 My name is James Atkin. My qualifications and experience are set out in my main Proof of Evidence.
- 1.2 This short Rebuttal Proof of Evidence addresses several points raised in the Proof of Evidence of Mr Ian Dudley of Lockhart Garratt Ltd (LG), prepared on behalf of Fareham Borough Council (FBC).
- 1.3 This rebuttal proof is deliberately limited in scope and does not seek to cover every point made in Mr. Dudley's evidence. However, it should not be inferred that I agree with Mr. Dudley's evidence in respect of those points that are not raised here.
- 1.4 The evidence included in this rebuttal statement for this appeal is true and has been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## 2. Main Areas of Rebuttal

### Approach and Methodology

- 2.1 Mr Dudley's evidence includes his own assessment of landscape and visual effects, based on a methodology set out in Appendix 2 of his evidence.
- 2.2 However, there are issues in relation to the calibration and terminology set out in the methodology which are not compliant with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)<sup>1</sup>. In particular, there are conceptual overlaps within his criteria for assessing sensitivity and impacts.
- 2.3 Consequently, the judgements made in respect of landscape and visual effects cannot be relied upon.
- 2.4 In relation to the approach taken for his assessment, Mr Dudley states that a study area of 2.5km is appropriate (ID p19, para 4.3). However, the subsequent assessment does not reflect this and is instead limited to the landscape of the appeal sites and their very immediate context (i.e. within a few hundred meters) and excluding the wider context of the landscape around Fareham and Stubbington.
- 2.5 Limiting the assessment in this way presents an imbalanced view of potential landscape and visual effects and is not in accordance with the GLVIA3; the result is a potential overemphasis as to what will actually be a very limited range of effects. For example Mr Dudley's approach to views and visual receptors is focussed only on short distance, predominantly private views; this omits a more balanced consideration of visual receptors, such as publicly accessible views from a range of different distances, such as the local network of public rights of way (GLVIA3, page 109, para 6.20 to 6.22).

### References to Appellants Evidence

- 2.6 There will clearly be a number of differences between the submitted LVIA's and professional judgment of Mr Dudley and I do not intend to cover each of these in detail.
- 2.7 However, in his evidence Mr Dudley has reviewed the submitted LVIA's (CDA.48 and CDA.107) and the submitted Strategic Landscape and Visual Appraisal

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<sup>1</sup> Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment 3rd Edition (April, 2013)

(CDA.54) (SLVIA) and has raised some points that are misleading and require clarification.

- 2.8 Firstly, in respect of the SLVIA Mr Dudley suggests that with the potential allocation of HA2 being removed from the current version of the emerging local plan, that paragraphs 3.8, 3.20 and 4.20 of the SLVIA are now 'out of date' (ID p16, para 3.25).
- 2.9 However, this is not the case and, notwithstanding any references to HA2, those paragraphs of the SLVIA include relevant information and description of the landscape on and around the appeal sites. This includes reference to the landscape between Fareham and Stubbington, description of the characteristics of Peel Common (particularly its indistinct character and proximity to detracting features such as the solar installation and sewage treatment works and various sports pitches) and also the disturbance and severance of the landscape, that has resulted from Newgate Lane East.
- 2.10 Secondly, in respect of the submitted LVIA's Mr Dudley suggests that the work 'relies' upon the proposed HA2 housing allocation to justify the proposed development (ID p17, para 3.34).
- 2.11 Again, this is not the case and is misleading. The submitted LVIA's are undertaken based on the proposed developments and the likely changes that might arise from these, as described in the description of development and landscape strategy (both CDA.48 and CDA.107, paras 5.5 to 5.7). Furthermore, the visual assessments set out in each LVIA also clearly describe the changes being assessed, with no reference to HA2 (CDA.48 and CDA.107, Table 3). References to HA2 in the submitted LVIA's is typically presented as context, stating that this would represent further change if the allocation were to come forward.

### **Landscape Effects**

- 2.12 There are several issues in respect of landscape and landscape character, and the approach taken by Mr Dudley.

### **Landscape scale**

- 2.13 The first matter relates to what should be considered as an appropriate scale for landscape character guidance.

- 2.14 On the first point, Mr Dudley suggests that the submitted LVIA undertakes 'an excessively coarse grain of assessment by considering only the wider LCA as a receptor' (ID page 18, para 3.38).
- 2.15 However, reference to the scale of LCA as defined by published character guidance illustrates that this is an entirely appropriate scale on which to undertake an assessment of landscape effects as it considers the appeal sites in their context (for example, CDA.48, Figure 4). To take a finer grain of assessment would essentially isolate the appeal sites from their immediate landscape context; a context which does include the agricultural landscape on the edge of Fareham and Gosport, but also includes the severance from this caused by Newgate Lane East; the influence of the solar installation and sewage treatment works; and also how the appeal sites might work in relation to the settlement pattern of Peel Common.

Reference to published guidance

- 2.16 The second is how landscape character guidance (and other relevant description of landscape character) should be correlated, distilled and taken forward to assessment.
- 2.17 Mr Dudley's evidence includes a baseline description of the appeal sites and extensive quotation and paraphrasing of the published character guidance (ID pages 19 to 23). In doing so Mr Dudley highlights (using bold text) those defined characteristics which he considered to be most relevant and subsequent includes a statement as to how representative the sites are to those descriptions.
- 2.18 This process clearly identifies the presence of many influential characteristics, not just related to the agricultural and rural aspects, but also characteristics that reflect the generally ordinary and/or lower quality of the landscape due to the extensive influence of detracting features.
- 2.19 Such characteristics are summarised in respect of the Woodcot/Alver Valley LCA (ID page 23, para 24) where Mr Dudley judges 'the site and its setting' to be 'strongly representative' of this (ID page 23, para 4.25). Further description to support this is presented in Mr Dudley's overview of the landscape context to the appeal sites (ID pages 28 to 31, paras 4.66 to 4.93) which again reflect the relatively ordinary character of the landscape.
- 2.20 However, the issue arises from Mr Dudley's subsequent distillation of the information and his interpretation of this as a series of 'relevant landscape

receptors' (ID p31, para 4.94) and their subsequent assessment (ID Section 5). In this process, particularly in respect of their assessment, the urbanising and/or detracting influences that reflect on the appeal sites and their context are not taken forward, with a focus instead being placed on various matters of openness.

2.21 Mr Dudley's appraisal of landscape effects (ID p33, Section 5) is based on the structure of his identified landscape receptors (ID p32, 4.94). I have set these out in a tabulated format, against my comment as to the appropriateness or otherwise.

Table FL&BH 1.4.1 – ID landscape Receptors

<b>Ref.</b>	<b>ID Landscape Receptor</b>	<b>JWA Comment</b>
1	Mixed agricultural land use	This is a physical landscape component, impacts can be addressed in isolation but this should also inform a more holistic consideration of landscape character.  Consequently this aligns very closely with matters of openness of the site and its context.
2	Open character of the site and wider setting	Openness is one facet in considering landscape character but has considerable overlap with the land use which, in the context of the agricultural land uses, are inherently open and therefore this matter is duplicated.  Otherwise openness might refer to 'enclosure' by other physical components such as vegetation, built form and infrastructure.
3	Strong field pattern defined by treed hedgerows, watercourses and ditches	This is a physical landscape component, impacts can be addressed in isolation but this should also inform a more holistic consideration of landscape character.  It is worth noting the mitigation strategy for the appeal schemes which seek to reflect or retain this (CDA.48 and CDA.107. p33, Table 2).

4	Relationship with wider settlements	Settlement pattern is one facet in considering landscape character and is a relevant consideration, but should also inform a more holistic consideration of landscape character.
5	Busy transport infrastructure	Transport infrastructure is one facet in considering landscape character and is relevant consideration in terms of understanding landscape character, however I cannot see how it is relevant as a receptor in itself.
6	Setting of Carriston Cottage Grade II Listed Building	<p>The influence of heritage (or more appropriately conservation interests) is a relevant factor in relation to landscape and visual matters, but is typically a consideration of determining landscape value; it is just one factor in determining landscape value (CDH.16, GLVIA, p84, Box 5.1).</p> <p>If the listed building is a receptor in itself, then this is a heritage matter.</p> <p>If it is the landscape context of the listed building that is being considered, then this is duplication of points 1, 2, 7 and 8 (as referenced in this table).</p>
7	Overall character of the site	Given the appeal sites comprise mixed agriculture, that is open in terms of its undeveloped state and framed within a structure of trees, hedgerows and infrastructure, then this receptor is a relevant landscape receptor but points 1, 2 and 3 (as referenced in this table) amount to duplication of elements within it.
8	Overall character of the setting of the site	Given the appeal sites are contextualised by a mix of agricultural land, settlement pattern at Peel Common and Bridgemary and the highways infrastructure of Newgate Lane East, again, this is a relevant landscape receptor, but points 1, 2, 3, 4 and 5 (as referenced in

		this table) are no more than duplications of the elements of it.
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2.22 Consequently, Mr Dudley introduces a substantial level of duplication of the same issues, an approach which, at best, over-emphasises the likely effects and, at worst, double counts these entirely.

### Strategic Gap

2.23 Finally in respect of landscape matters, I do not agree with the approach taken by Mr Dudley in relation to his consideration of the 'strategic gap' whereby he blends this reference within his discussion of landscape character and fails to set out a clear appraisal as to the impact of the appeal schemes on the function and integrity of the strategic gap.

2.24 The strategic gap designation is a spatial planning tool and is not a landscape specific designation that is intrinsically connected to the value or quality of a landscape.

2.25 In his review of the submitted LVIA's (CDA.48 and CDA.107) Mr Dudley intimates that the strategic gap should be considered a constraint to development (ID, page 14, para 3.14). However, I do not consider that Strategic Policy DS2 (in respect of Strategic Gaps) should be seen as an absolute constraint to development, but instead that it requires a test as to whether there would be a 'significant affect on the integrity of the gap'.

2.26 Mr Dudley sets out very little additional analysis of the strategic gap, particularly in respect of the landscape between Peel Common and Stubbington where the gap would clearly continue to function, a conclusion that is drawn in my own analysis (FL&BH 1.1, para 4.50 - 4.78 and Appendix 1.2.4) but also illustrated by the published Technical Review of the Strategic Gaps (CDG.7).

### Visual Effects

2.27 Issues in respect of the evidence of Mr Dudleys on visual effects are more straight forward to address than those of landscape effects, and I note that Mr Dudley recognises some alignment between our respect findings (ID p18, para 3.39). However, notwithstanding this acknowledgement, Mr Dudley challenges as to why

the findings of the submitted LVIAs are not reflected in the respective summaries. However, I believe that they are.

2.28 This is best addressed by reference to Mr Dudley's own summary of impacts and effects (ID p66, para 7.76) where he concludes the following 'significant effects' (by reference to the definition of significant effects set out at ID, Appendix 2, para 6.1):

- Residents of Hambrook Lodge for both northern and southern sites;
- Users of Newgate Lane in respect of the northern site, but not the southern;
- Residents of Woodcote Lane in respect of the southern site but not the northern; and
- Users of Woodcote Lane in respect of the southern site, but not the northern;

2.29 Hambrook Lodge is located centrally within the appeal sites whilst Woodcote Lane and Newgate Lane effectively form the southern and western boundaries to the appeal sites respectively. The consequent significance of visual effects is not unexpected, as from these locations such an impact would be expected in respect of most, if not all, greenfield sites on the edge of a settlement (refer to Appendix FL&BH 1.2.5, Summary of PG and LG Visual Effects, which is appended to this rebuttal).

2.30 I consider this to be a very limited number of significant effects that, in themselves do not demonstrate, an unacceptable level of impact.

2.31 Earlier sections of this rebuttal note how the approach of Mr Dudley to his study area, and selection of views predominantly from the boundaries of the appeal site, overemphasis and distorts the extent of landscape and visual effects.

2.32 However, in their summary, the submitted LVIAs (CDA.48 and CDA.107, paras 7.7 to 7.17) take a more balanced view to the appeal sites and potential visual effects that reflects the strong sense of containment and visual screening that is present.

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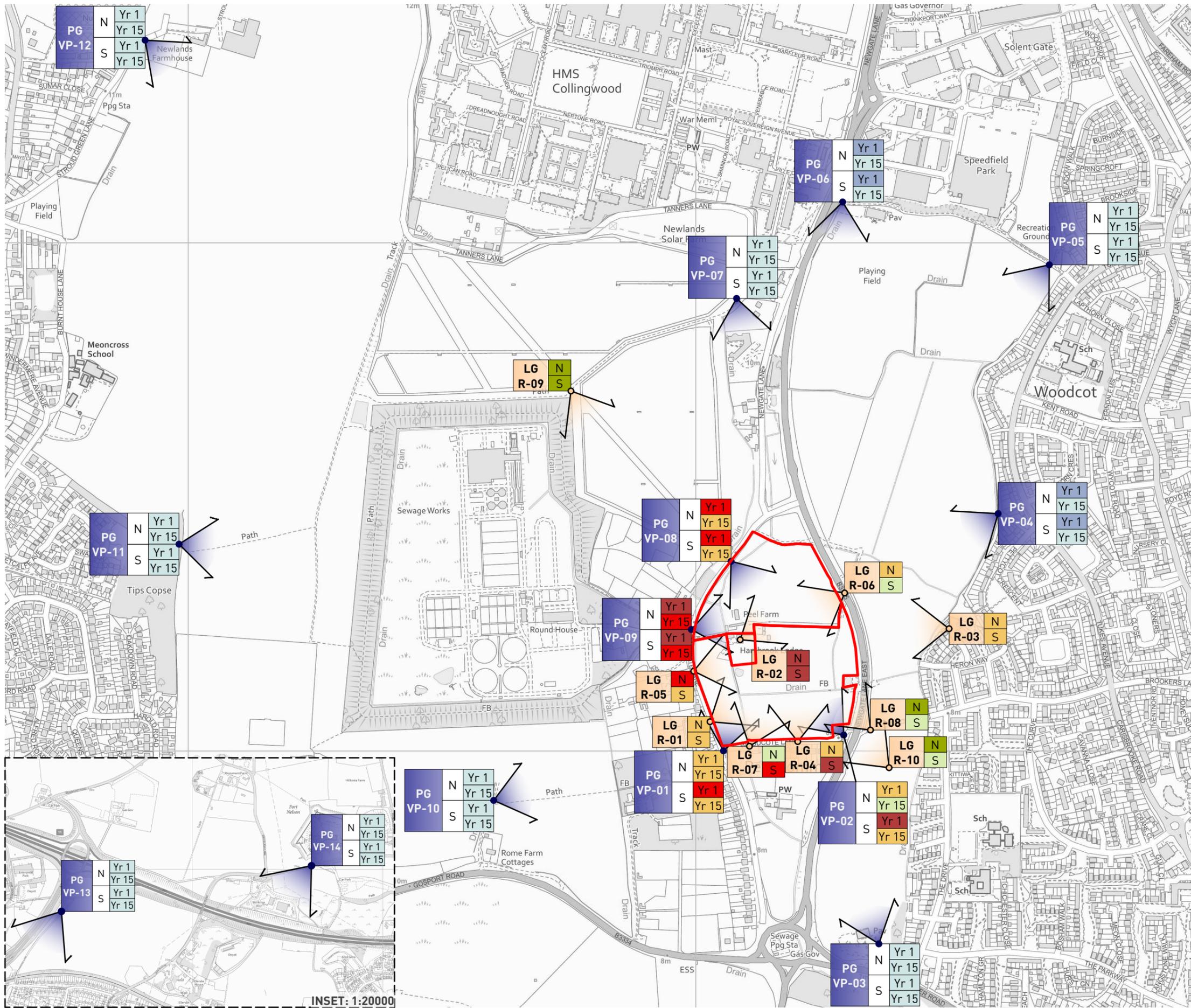
### 3. Conclusion

- 3.1 In conclusion, having considered the evidence of Mr Dudley in respect of landscape and visual matters, this does not alter the views and professional judgements that I have expressed in my original Proof of Evidence.

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## APPENDICES

Appendix FL&BH 1.4.1  
Summary of PG and LG Visual Effects



**KEY**

- Site boundaries (north and south)
- PG Viewpoint Locations
- LG Viewpoint Locations

**Significance of Effect colour coding:**

Red	Major
Orange	Moderate to Major
Yellow	Moderate
Light Green	Minor to Moderate
Green	Minor
Blue	Negligible to Minor
Light Blue	Nil/Neutral/Negligible

- LG Viewpoint Locations references:**
- R-01 = Newgate Lane (residents)
  - R-02 = Hambrook Lodge (residents)
  - R-03 = Bridgemary (residents)
  - R-04 = Woodcote Lane (residents)
  - R-05 = Newgate Lane (road users)
  - R-06 = Newgate Lane East (road users)
  - R-07 = Woodcote Lane (road users)
  - R-08 = Brookers Lane
  - R-09 = Public Footpath Fareham 74
  - R-10 = Brookers Field Recreation Ground

Land at Newgate Lane (north) and Land at Newgate Lane (south), Fareham, Hampshire

Client: Fareham Land LP and Bargate Homes Ltd

**Appendix FL&BH 1.4.1 Summary of PG and LG Visual Effects**

Drawing no. : BRS.4989\_86  
 Date : 11/11/2020  
 Drawn by : CLW  
 Checked by : JWA  
 Scale : 1 : 7500 @ A3

