

Landscape and Visual Matters

Proof Of Evidence

Evidence of James W. Atkin BSC (Hons) DIP LM CMLI

In respect of Land east of Newgate Lane East, Fareham
On behalf of Miller Homes Ltd and Bargate Homes Ltd

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1. INTRODUCTION

Qualifications and Experience

- 1.1. My name is James Atkin. I am a Senior Director (Landscape) in the Birmingham Office of the Pegasus Group. The Company undertakes all aspects of town planning, urban and landscape design and environmental planning. I have a Bachelor of Science Degree in Landscape Design and Plant Science and a Diploma in Landscape Management, both from the University of Sheffield. I am also a Chartered Member of the Landscape Institute (2005).
- 1.2. I have over 21 years professional experience specialising in the application of landscape and visual assessment and the use of best practice guidance. I have authored landscape and visual impact appraisals, assessments and evidence, both in the UK and in the international context.
- 1.3. Prior to joining the Pegasus Group I have worked in multidisciplinary consultancies, including Wardell Armstrong LLP and Atkins, advising on landscape and visual matters across a range of sectors including power, highways, rail, housing, waste, land reclamation and restoration, mineral extraction, commercial developments and renewable energy.
- 1.4. Since joining Pegasus Group I have completed numerous detailed landscape and visual impact assessments for sites across the UK, including residential development and mixed-use development schemes, care home developments, solar installations and commercial development. As an inherent part of this work I apply an iterative process of landscape and visual appraisal and assessment to inform masterplanning principles which avoid or respond to landscape and visual constraints and opportunities.

Terms of Reference

- 1.5. This proof of evidence is written on behalf of Miller Homes Ltd and Bargate Homes Ltd (the appellant).
- 1.6. It relates to an appeal against the non-determination by Fareham Borough Council (FBC) of an outline application (with all matters reserved except for access) for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works.
- 1.7. The outline application was submitted with a landscape and visual impact assessment (LVIA) addressing the proposed development, prepared by Pegasus Group (**Appendix A**) (the submitted LVIA).
- 1.8. The submitted LVIA forms a comprehensive document in respect of the landscape and visual baseline, including consideration of the future baseline where change is anticipated. I will make reference to the submitted LVIA throughout my evidence.
- 1.9. Whilst FBC were no longer able to decide the application, the officers report to committee (**CDC.1**). recommended that planning permission be refused.

Evidence Structure

1.10. This proof of evidence is structured as follows, including this introduction (section 1):

- At section 2, I give a brief description of the appeal site and its context;
- At section 3, I set out the background to the appeal (including the landscape consultation response and previous appeal decisions for adjacent sites), I then consider the issues raised by the reason for refusal in respect of landscape and visual matters;
- At section 4, I set out a brief review of the former 'HA2 allocation' of which the appeal site is part;
- At section 5, I present an analysis of the main landscape and visual matters, including a review of the development and mitigation strategy for the appeal proposals (with reference to Good Design) and a summary of the potential landscape and visual effects (with reference also to landscape sensitivity);
- At section 6, I consider the Strategic Gap, including the role of the appeal site and how the appeal proposals and how the approach taken to design and mitigation ensure that the integrity of the strategic gap is maintained;
- At section 7, I briefly consider relevant policies and how landscape and visual matters respond to these; and
- At section 8, I provide a summary and conclusions.

1.11. Principles and good practice for undertaking, and/or applying the principles of, LVIA are set out in the Landscape Institute (LI) and the Institute of Environmental Management (IEMA) Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)¹ (GLVIA3). The concepts and procedures set out in this guidance have been adopted where appropriate.

1.12. The professional judgements which are presented in this proof of evidence for this appeal (reference APP/A1720/W/22/3299739) have been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. THE APPEAL SITE

- 2.1. This section sets out an overview of the appeal site and its context. A full description of the appeal site and its surrounding context is set out in the submitted LVIA (**Appendix A**, Section 4).

Site Description

- 2.2. The appeal site comprises ca. 20.04 hectares (ha) of land located directly adjacent to the southern settlement edge of Fareham (refer to **Figure JWA-01**).
- 2.3. The landform of the appeal site is broadly level and flat, situated at ca. +10m above ordnance datum (AOD).
- 2.4. Several hedgerows compartmentalise the appeal site, however a treed hedgerow divides the appeal site into two broadly distinct areas. The northern part comprises a single parcel of rough grassland with some encroachment of scrub vegetation. The southern part comprises three parcels of arable land, divided regularly by several linear hedgerows (and associated drainage ditches). Some mature hedgerow trees are present across the appeal site; these tend to be located on and around the appeal site boundaries but are also more prevalent in the surrounding context.
- 2.5. The route of Newgate Lane East (relief road, completed April 2018) is located to the west, whilst to the east, the boundary of the appeal site is situated directly adjacent to the urban area of Woodcot and Bridgemary (in the Borough of Gosport), and defined at this point by a line of mature trees and hedgerow, with access track, rear gardens and twentieth century residential development beyond.
- 2.6. An area of open space off Tukes Avenue, along with a public footpath, are located immediately to the north of the appeal site. Existing sports pitches and playing fields (related to HMS Collingwood) are located adjacent to the northern and north-western edge.
- 2.7. To the south, the land between the appeal site and Brookers Lane currently comprises small to medium scale agricultural fields with the boundary between the two defined by a drainage ditch, some scrub vegetation and several mature trees (former hedgerow trees). The land to the south is relevant to the ‘future baseline’ whereby outline consent for residential development (up to 99 dwellings) has been allowed at appeal.

Site Context

- 2.8. East and north of the appeal site the existing settlement edge is defined by the suburban influences of the residential estates of Gosport and the retail part within Fareham (Speedfields retail park).
- 2.9. As noted, the land immediately south of the appeal site, (and north of Brookers Field Recreation Ground) comprises an area of agricultural land which is subject to an extant planning permission for proposed development of up to up to 99 residential dwellings, landscaping, open space and associated works, with access from Brookers Lane (part of access in Gosport Borough).

- 2.10. The proposal was allowed at appeal in July 2021 (PINS references APP/J1725/W/20/3265860 (Gosport refusal) and APP/A1720/W/21/3269030 (Fareham non-determination)). Consequently, this part of the landscape will, in due course, be developed for housing and result in changes to the current landscape and visual baseline.
- 2.11. The reserved matters application relating to appearance, landscaping, layout and scale (reference P/22/0841/RM) has subsequently been submitted to FBC for the development of 96 units together with public open space and associated infrastructure (**CDH.19**). The application was validated on 4th July 2022, with a statutory determination date of 29th August 2022.
- 2.12. Immediately west of the appeal site the highways infrastructure of Newgate Lane East (relief road, completed April 2018) has become an embedded component of the landscape, however the mitigation measures associated with the route have yet to fully establish. Further west still is the extensive solar installation (south of HMS Collingwood) and a more recently constructed battery storage development.
- 2.13. The wider landscape context is set within the low-lying ground of the coastal plain landscapes and characterised by the often abrupt transitions between the open landscapes of the coastal plain and the urban environments which abut these (including Fareham, Woodcot and Bridgemary).
- 2.14. Peel Common is an isolated area of settlement, comprising linear/ribbon development along Newgate Lane and with some limited residential development along Woodcote Lane.
- 2.15. To the north, the settlement edge of Fareham is defined by the commercial estate and built form of the Speedfields Retail Park along with a small pocket of public open space (Tukes Avenue open space). The commercial areas are broadly separated from the land to the south by the route of a public right of way (PROW) and associated vegetation. To the east, the residential areas adjacent to the appeal site are within Gosport.
- 2.16. Immediately to the north and east of the appeal site, the settlement areas of Fareham and Gosport are physically and visually connected, with land to the west and east of the administrative boundary comprising either the commercial area/amenity open spaces and residential development, respectively. The continuous nature of the settlement at this point is experienced from the route of the PROW which runs (in part) along the northern edge of the appeal site. The route of Newgate Lane East also experiences a continuous settlement edge comprising these two areas (or land uses) but this route includes a foreground of the amenity sports pitches of HMS Collingwood and adjacent agricultural land.
- 2.17. The settlement area of Stubbington, a medium scale, predominantly residential area is located to the west, forms the western extent of the Fareham to Stubbington strategic gap. In this context the strategic gap comprises an area of open landscape that extends across the coastal plain between the local settlement areas. Separation is most pronounced across the arable areas between Fareham/Peel Common and Stubbington.

3. BACKGROUND TO THE APPEAL

- 3.1. The background to the appeal proposal and planning application is set out in the Statement of Case prepared by Pegasus Group on behalf of the Appellant.
- 3.2. This section provides a brief overview of the background relevant to landscape and visual matters.

Planning Application

- 3.3. The application was submitted in January 2022 and include a detailed LVIA, prepared by Pegasus Group (**Appendix A**).
- 3.4. A consultation response on landscape and visual matters was received from Nicholson Lockhart Garratt on behalf of FBC which raised several issues in respect of the application (**CDB.6**).

Non Determination / Reasons for Refusal

- 3.5. An appeal for non-determination by FBC was submitted by the Appellant in May 2022.
- 3.6. The subsequent 'officer report for committee' (15 June 2022) (**CDC.1**) concludes with a recommendation for refusal and statement that had the Members been able to determine the application, they would have resolved to refuse planning permission.

Officer report for committee

- 3.7. In relation to landscape and visual matters, the report to committee includes several relevant points.
- 3.8. In describing the proposals, a statement that the majority of open space is located in the western part of the appeal site (para 3.4) – this is not correct as open space is threaded through the development with the western field as part of the strategy for landscape and ecological mitigation;
- 3.9. Notes that 148 third party representations have been received (one in support, the remaining objections) (para 6.1). The report summarise the main points made in the representations, of which those relevant to landscape and visual matters including: impact on strategic gap; impact on wildlife and green areas; loss of agricultural land; cumulative impacts with the residential development to the south (for 99 dwellings) which was allowed at appeal.
- 3.10. The summary presented in the report to committee does not include any reference specifically to landscape character and views/visual amenity.
- 3.11. Further summary of representations from the Fareham Society, MP for Gosport and Stubbington and Lee-on-the-Solent Residents Association are also set out (para 6.2); reference is made to harm to the strategic gap but the summary does not include specific reference to landscape and visual matters.

- 3.12. The response from Gosport Borough Council (GBC) (para 7.6) includes reference to both strategic gap and landscape matters (noting that they raise conflict with policies CS14, 16, 17, 22, DSP6 and DSP40).
- 3.13. Hampshire County Council raise no objection in respect of rights of way (para 7.8).
- 3.14. The response on landscape and visual matters from the Council's subconsultant, Nicholson Lockhart Garratt (NLG) (**CDB.6**) states that development would result in permanent significant adverse effects upon visual receptors in close vicinity of the appeal site (para 7.11).
- 3.15. There is no objection in respect of trees (para 7.13).
- 3.16. The open spaces manager states that the indicative layout is acceptable but notes that SUDS requires consideration at the detailed design stage (para 7.17).
- 3.17. A more detailed review of landscape and visual matters is set out under the section on 'planning considerations'. This includes extensive reference from the NLG consultation response, where the text extensively quoted (paras 8.30 to 8.47).
- 3.18. There is no reference to the consultation response from the Urban Designer from FBC (**CDB.11**). Matters of principle aside (in respect of countryside and Strategic Gap), and subject to further detail, the urban designer raises no objection in relation to the outline application.
- 3.19. Finally, in respect of the planning balance reference is made to the 'harm to landscape character and the strategic gap' (para 8.82).
- 3.20. In applying the planning balance and setting out the recommendation, the report to committee reiterates issues of landscape (para 9.1b) but goes further to introduce a comment that 'the development would fail to respect or respond positively to the key characteristics of the surrounding area' (the wording here drawing on Policy CS17, of the Fareham Local Plan (**CDE.1**), in respect of 'High Quality Design').
- 3.21. The recommendation also refers to the physical and visual reduction of the strategic gap that would have significantly adverse effects on its integrity (para 9.1c).

Landscape Consultation Response from Nicholson Lockhart Garratt

- 3.22. As noted, the report to committee includes extensive reference to the landscape consultation response from Ian Dudley of NLG (**CDB.6**).
- 3.23. The response address matters related to baseline landscape character, policy context, and considerations of implications for landscape, the strategic gap, and visual amenity.
- 3.24. The consideration of the proposed development and its landscape and visual implications extends to approximately three pages (of thirteen) with the remainder taken up by the review of baseline material.
- 3.25. The response concludes that, based upon its analysis, the proposed development would result in significant harm to local landscape character, integrity of the Fareham to

Stubbington Strategic Gap, the visual environment, and would result in physical and visual coalescence of Fareham and Gosport.

- 3.26. Notwithstanding the expected differences in professional judgement between either case, there are some points raised in the consultation response which it is useful to draw attention to.
- 3.27. Firstly, is the extensive reference that the landscape consultation response makes to the published evidence base on landscape character. For each scale/level of character assessment, the landscape consultation response sets out the published key characteristics for the relevant character types/areas. In all instances the landscape consultation response considers the appeal site to be moderately or strongly representative of the respective character type/area. It is important to note that all of the published characteristics include reference to some form of urbanising influences which are present in, and have an influence on, the landscape. The consideration here being that the appeal site, notwithstanding its agricultural nature up to its boundaries, is inextricably linked to the suburban edges of Fareham and Gosport, influenced strongly by these and influenced by other detracting urban elements.
- 3.28. Secondly, is the tendency of the landscape consultation response to paraphrase from published guidance, presenting the information as more factual than is actually the case. For example, the last paragraph on Page 6 of the landscape consultation response states that (my own emphasis):

"In terms of landscape and visual sensitivity, the assessment judges LLCA 8.1a to be of high landscape sensitivity and moderate to high visual sensitivity, implying that this area has little or no capacity for development."
- 3.29. With reference to the Fareham Landscape Assessment (FLA) and the published text, the documents states 'very limited capacity' (**CDG.20**, Part 2, page 153, second paragraph). Whilst it may seem a small matter, the nuance is important as the landscape consultation response has introduced a degree of unacceptability over and above that which is intended by the evidence base.
- 3.30. Similarly, an extract is taken from the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (**CDG.6**) (hereafter referred to as the Gap Study); in respect of the extract, the consultation response states that the extract shows 'important views' (my own emphasis). This is not the case. The extract from the Gap Study refers to a plan that shows a visibility/legibility analysis of the Fareham to Stubbington Gap (**CDG.6**, Figure A5.10). The views are clearly labelled as 'local views' (with other symbol types showing 'wide views over landscape' and 'long view over landscape to distant structure or skyline'). The figure intends to show the different type, nature or experience of a view, but conveys no specific merit or importance to such views.
- 3.31. I would not object to the author of the landscape consultation response undertaking their own analysis, drawing professional judgements, and subsequently setting those judgements out clearly (including presentation of a transparent analysis of these judgements). However, caution should be exercised to the issues raised by the landscape consultation response, to ensure that the content of the evidence base is taken in the round and not misrepresented.

- 3.32. Thirdly, and finally in respect of my initial comments on the landscape consultation response, is the review of the proposed development. This section appears to consider the outline nature of the application, whereby FBC will have considerable control overdetailed design matters going forward. I raise this in respect of the subjective comments made on various points, including reference to 'engineered' SUDS (**CDB.6**, Page 11, 2nd para), functionality of green infrastructure corridors (**CDB.6**, Page 11, 3rd para) and suggestion that 'no new planting is proposed' (**CDB.6**, Page 13, 1st para). Broad conclusions are drawn stating that 'these factors indicate that response to the prevailing character and the creation of high-quality places were not significant considerations in the design of this scheme' and that 'the scheme represents a generic design response to the character of the area' (**CDB.6**, Page 11, 3rd and 5th paras).
- 3.33. However, I do not think this conclusion is fair or justified. These statements fail to recognise the content of the submitted LVIA (particularly how the landscape strategy does respond to landscape and visual constraints, refer to **Appendix A**, Section 5). They also demonstrate a lack of appreciation to the background of the appeal proposals in respect of the former HA2 allocation and the design inputs that influenced the proposals at that stage. I address HA2 in more detail in later sections of my evidence.
- 3.34. At this point it is useful to note the sections of the landscape consultation response which comment on matters of design and layout (with reference to the commentary of the description of the proposed development and also the consideration of landscape implications).
- 3.35. As noted, the consultation response from the urban designer for FBC (**CDB.11**) was not referenced in the report to committee. The consolation response from FBCs Urban Designer, states that (**CDB.11**, Page 2) (my own emphasis):
- "The DAS (pt1) sets out the context of the site and the proposed design response, in terms of the concept, landscape and visual strategy and an illustrative masterplan. Disregarding the principle of development and the inevitable adverse impact upon the existing landscape and visual character, I find that the proposal, from an urban design perspective and subject to later detail, would provide a suitable landscape led linked GI framework and perimeter block development parcels that can deliver the attributes of good placemaking. These are set out in the bullets and concept masterplan on p 26.*
- "The DAS (pt2) provides further information relating to strategic gap, density, building heights, access and movement, drainage, character, secured by design and key green spaces. Again, disregarding the matter of Strategic Gap and also the access onto Newgate Lane, I find that, subject to details and the matters set out below, the principles described are suitable."*
- 3.36. This contrast with the commentary that is set out in the landscape consultation response, which criticises various aspects of the design.
- Updates to officer report for committee**
- 3.37. Following the initial officers report to committee (**CDC.1**), an update was provided as part of the supplementary agenda (15 June 2022) (**CDC.2**).

- 3.38. The supplementary agenda describes the circumstances in respect of the Council's five-year housing land supply, noting that the Council could only demonstrate a 4.95 year supply (**CDC.2**, para 6.4.7).
- 3.39. Consequently, Policy DSP40 of the adopted Local Plan Part 2 is engaged (**CDE.2a**); this policy sets out the criteria to be met for sites that are located outside of the urban area boundary to be granted permission.
- 3.40. Policy DSP40 is considered in the updated report to committee, followed by updated planning balance and recommendation.
- 3.41. The updated recommendation (**CDC.2**, para 6.4.24 and 6.4.25) maintains that planning permission would have been refused, with the reasons for refusal updated to account for Policy DSP40. The reasons for refusal relevant to landscape and visual matters include.
- b) The application site lies outside of the defined urban settlement boundary within the open countryside. The proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;*

c) The proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the Strategic Gap;

FBC statement of case

- 3.42. The Councils Statement of Case (FBC SoC) expands on landscape and visual matters.
- 3.43. Whilst a description of the appeal site and its context is included (Section 2.0), it somewhat downplays the influence of the urban edge and associated uses, suggesting that the landscape here is more rural in character than is the reality.
- 3.44. In addressing the planning history (Section 5.0) reference is made to the three previous appeals (**CDJ.7** and **CDJ.1**). The summaries and key points drawn from those decisions are selective in order to support FBCs position. I address these decisions in respect of landscape and visual matters in later sections of my evidence.
- 3.45. The FBC SoC includes a short extract from the 'Fareham Borough Landscape Character Assessment' [sic] (**CDG.14**), although it is not clear why this version from 1996 is preferred to the more recent FLA (2017) which forms part of the evidence base to the Local Plan and has been a reference in the three previous appeals.
- 3.46. Reference is also made in the FBC SoC to the 'Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020)' (**CDG.6**), again including only very specific extracts.
- 3.47. The FBC SoC moves on to expand the details of its case in relation to each of the reasons for refusal. For those relevant to landscape and visual matters, the main points can be summarised as:

Reason for refusal b) harm to character and appearance

- i. The role of the appeal site and its landscape setting in preventing further coalescence and preserving the individual character of Fareham and the Woodcot suburb of Gosport;
- ii. Reference to the 'high' landscape sensitivity, as defined by the Council's published landscape sensitivity assessment (which I take to mean the FLA, 2017, **CDG.14**);
- iii. That the proposals represent a large-scale residential development and cumulative issues with the recently approved scheme immediately to the south;
- iv. Criticism of the illustrative design;
- v. Acknowledgement that planting proposals (albeit illustrative) would reduce the level of change in the landscape over time, but that this would not reduce the impact of development;
- vi. The subsequent conclusion that the proposed development would bring about significant and permanent adverse change in the character of the area;

Reason for refusal c) impact on Strategic Gap

- i. The proposed development would result in significant coalescence between Fareham and Gosport (but noting that only formal open spaces would remain between these areas);
- ii. The role of the appeal site in respect of the 'perception' of the gap in terms of leaving Fareham and entering the Alver Valley countryside when travelling along Newgate Lane East; and
- iii. In visual terms, 'important views' which the Council say are identified in the Technical Review of Strategic Gaps (**CDG.6**).

3.48. The FBC SoC goes on to consider other matters but also refers to Policy DSP40, specifically DPS40 (iii). The reference notes that (**FBC SoC**, para 9.73):

“...any development in the countryside is likely to have an impact due to the nature of urban expansion; however, that harm should be minimised.”

3.49. The FBC SoC goes on to suggest that the proposed development would fail to comply with criteria (iii) of DSP40 as it 'fails to minimise the impact on the countryside and Strategic Gap'.

Previous Appeals

- 3.50. The FBC SoC makes several references to the previous appeals in the vicinity of this appeal site, including Land at Newgate Lane (north), Land at Newgate Lane (south) (APP/A1720/W/20/325180 and APP/A1720/W/20/325185) and Land east of Newgate Lane East (APP/J1752/W/20/3265860) (**CDJ.7** and **CDJ.1**).
- 3.51. I was involved in each of the appeals (and the preceding applications) acting on behalf of the respective appellants.

- 3.52. During the period of those applications and appeals, I have also prepared other strategic landscape and visual appraisal work related to these sites.
- 3.53. Consequently, I have gained knowledge and experience of the appeal site and its immediate context, but also have experience and an understanding of the more extensive landscape context to Fareham, particularly the more extensive countryside between Fareham, Stubbington and Titchfield which forms the core of the Strategic Gap as a whole, including that separating Fareham and Stubbington.
- 3.54. As noted, the FBC SoC includes selective extracts from the various appeal decisions, setting out their own interpretation of those matters.
- 3.55. I do not intend to rebut each point made by FBC in respect of their interpretation of the Inspector's Reports but do include two some relevant observations.
- 3.56. In respect of the conjoined sites to the west of Newgate Lane East (APP/A1720/W/20/325180 and APP/A1720/W/20/325185) (**CDJ.7**):
- i. IR21. In relation to Policy DSP40 (iii), the Inspector disagreed with the Council that minimise should mean 'small or insignificant', noting that any new housing in countryside would register some landscape and visual effect. The Inspector interprets 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment. I consider that the current appeal proposal successfully minimises adverse impacts in relation to these matters, and return to these points later in my evidence; and
 - ii. IR.83. The Inspector found that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of the settlements, however this was in the context of the Newgate Lane North and South sites being situated to the west of Newgate Lane East. The Inspector goes on to note that (IR.84) the impact on the Strategic Gap of those sites would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to the existing urban settlement boundary and where Peel Common were to retain a small, isolated ribbon of development within the gap.
- 3.57. In respect of the allowed appeal to the south (ref APP/J1752/W/20/3265860 and APP/J1720/W/21/3269030 (**CDJ.1**):
- i. IR17. Inspector notes the site to the south had a pleasant, if unremarkable suburban character and appearance;
 - ii. IR21. Although acknowledging that the appeal site to the south reads as part of the farmed countryside between Peel Common and Gosport, the Inspector recognised that the surrounding landscape (which consequently includes the current appeal site) is influenced by the nearby urban uses, including the relief road (Newgate Lane East), recreation ground (Brookers Field) and playing fields (HMS Collingwood sports pitches). Further to the Inspectors comments, in my view, to describe this area as some form of deep countryside is to take the appeal site out of context from both its settlement edge location, and from the physical boundary that is formed by Newgate Lane East;

- iii. IR24. Notes the harmful effects on the character and appearance of the area, but state that this does not necessarily lead to conflict with criteria (ii) or (iii) of Policy DSP40;
- iv. IR27. The Inspector does not make specific reference to the 'strategic' mitigation that was incorporated into the illustrative masterplan for the appeal site to the south, however, in respect of the layout the Inspector states that there is no reason why the reserved matters stages cannot deal with a detailed design that reasonably reflects the character of Bridgemary and Woodcot on the provision that development is subject to a limit of two storey dwellings. I consider this matter further in later sections of my evidence, specifically addressing the embedded 'strategic' mitigation that is incorporated into the illustrative masterplan for this appeal site and how this aims to minimise impacts and how the strategy might be developed during later stages of detailed design;
- v. IR28. The Inspector considers the previous decision (for Newgate Lane North and South sites) and agrees with that Inspector's judgement regarding the interpretation of 'minimise' in relation to Policy DSP40 (iii);
- vi. IR29. Where the Inspector identified conflict with DSP40 (iii) (in terms of character and appearance) this related to the extent to which those proposals extended to the north-west, consequently being most discernible from Newgate Lane East, and that in this respect that appeal proposals did not minimise effects on character and appearance;
- vii. IR31. The Inspector states that there would not be a significant effect on the integrity of the gap, be it individually or cumulatively, this was due to the modest size of that proposal, the overall scale of the gap, the location of the site adjacent to the settlement boundary and that separation would remain between that appeal site. The Inspector also notes that, as [the proposed] built form would not extend fully to the settlement to the west, coalescence would not occur and Peel Common would continue to be understood as a small isolated ribbon of development; and
- viii. IR32. Here the Inspector notes that the appeal proposal will result in a reduction in the physical and visual separation of the gap at this point, and that it would occur at its narrowest point. However, the Inspector goes on to note that this would be mitigated by the proposed set back of built away from the western boundary retaining a modest gap to the side of Newgate Lane East.

3.58. Overall, in relation to this appeal, I consider the following to be the salient points in respect of these previous appeal decisions:

- i. Any new housing in countryside would register some degree of landscape and visual impact (something that will also apply to any sites allocated in the Local Plan) (a point acknowledged in FBCs SoC in regard to DPS40 iii) (**FBC SoC**, Para 9.73);
- ii. That landscape and visual impact in itself does not necessarily lead to conflict with DSP40 (iii), given the criteria requires adverse impacts be 'minimised';
- iii. When considering 'minimise', factors such as careful location, scale, disposition and landscape treatment are all relevant – in respect of the appeal site, such matters have been considered through the analysis of landscape and visual constraints and

- subsequent design of the illustrative masterplan (not just by myself, but by numerous other parties involved with the consideration of HA2);
- iv. As a more general point, there is also potential to continue to adopt satisfactory design solutions which minimise impacts at the detailed design and reserved matters stages;
 - v. That the appeal site sits within a relatively ordinary part of the landscape, within itself agricultural countryside but set in a context of the suburban fringe which is influential on its character;
 - vi. That suburban influence has a bearing on potential impacts from development on the Strategic Gap, with proximity to the settlement edge likely to result in less impact;
 - vii. In regard to the approved site to south, this was of modest scale but located in a narrow point of the Strategic Gap and, whilst the current appeal site is larger, it is also situated in a much broader part of the Strategic Gap (with the built areas of the appeal proposals not materially extending any further west than the approved scheme to the south);
 - viii. The limit on the western extent of any built form, and also the inclusion of open areas will provide separation to Newgate Lane East, which will also minimise impact on the Strategic Gap;
 - ix. That maintaining Peel Common as an identifiable, albeit isolated, ribbon development within the Strategic Gap will also result in a lesser impact upon it; and
 - x. That limitations on storey heights would effectively minimise impacts on the Strategic Gap, as this would ensure consistency with adjacent residential/suburban areas.

3.59. I consider these matters further, where relevant, in later sections of my evidence.

Local Plan Examination

- 3.60. Further to my involvement in the applications and appeals for the various sites at Newgate Lane, I have also been involved in the Examination in Public for the Fareham Local Plan 2037, where Pegasus Group have submitted Hearing Statements (**CDH.22**) and attended the hearing sessions (8th March 2022) in respect of 'Matter 2, Development Strategy (Incorporating Landscape and Strategic Gaps)'.
- 3.61. Several matters were discussed in relation to landscape and visual matters and the Inspector returned to landscape matters in a post hearing letter (6th June 2022) (**CDF.8**).
- 3.62. In respect of the 'Development Strategy – Strategic Policy DS3 Landscape' the Inspector notes that the Council has chosen not to follow the recommendations of the FLA (**CDG.20**) which included the adoption of a holistic criteria-based policy approach be adopted in the local plan review that applied across the whole countryside, rather than an approach based on local landscape designations i.e. the Areas of Special Landscape Quality (ASLQ) (**CDG.20**, para 12)

- 3.63. Referring to the evidence base for the ASQL's (i.e. the Gap Study, **CDG.6**), the Inspector notes that the document is not clear as to how overall ratings have been determined (for example how areas scoring good were proposed to be designated alongside areas scoring high) and that the Gap Study results in large areas of the Borough becoming ASLQ but that these have varying degrees of landscape quality (**CDG.6**, para 17). The Inspector goes on to summarise that the evidence base does not support the designation of the ASLQ, suggesting either that the designation be deleted from the Plan (relying on a robust policy instead) or that a clear and robust paper be prepared which revisits the ASQL and addresses the matters raised.
- 3.64. Since the Inspectors post hearing letter, FBC have submitted a 'Further ASLQ Report' (local plan evidence base reference FBC096, Appendix 2) (**CDF.11**). Although this relates to the Gap Study as a document, the additional information relates to matters in respect of the ASQL designation and relevance of local landscape designations, not strategic gaps. Further questions may be raised in respect of this additional information as, whilst it presents a justification for continued use of local landscape designation, it does not necessarily provide a robust review which revisits the ASQL comprehensively.
- 3.65. Whilst the Post Hearing Letter (nor the further information provided by FBC), do not refer to the section of the Gap Study which relates to the 'Strategic Gap', I consider there to be similar issues in the evidence document in respect of the Strategic Gap and its boundaries. Essentially, the analysis suggests the landscape around the appeal site comprises a weak and non-functioning part of the Strategic Gap, however the conclusions do not follow this in terms of amending boundaries. I consider this point in more detail in later sections of my evidence.

4. FORMER HA2 ALLOCATION

Overview

- 4.1. The detailed planning background to the appeal site is covered in the planning evidence of Mr Gardiner.
- 4.2. Whilst I do not intend to duplicate Mr Gardiner's evidence, this is a useful point to refer to the former HA2 allocation, specifically in relation to landscape and visual matters and design.

Context of HA2 and the Appeal Site

- 4.3. The appeal site forms the central and northern parts of the former HA2 'Newgate Lane South' allocation, which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of the Draft Fareham Local Plan.
- 4.4. As part of the emerging allocation the plan proposed that the boundary of the Strategic Gap be moved to the western boundary of the allocation (aligned broadly with the route of Newgate Lane East).
- 4.5. The draft allocation for HA2 was subsequently omitted from the Regulation 19 version of the Draft Fareham Local Plan.
- 4.6. In July 2021, planning permission was granted at appeal for up to 99 dwellings on the southern part of HA2, immediately to the south of the current appeal site, whereby the current appeal site effectively forms the balance of the former HA2 allocation.

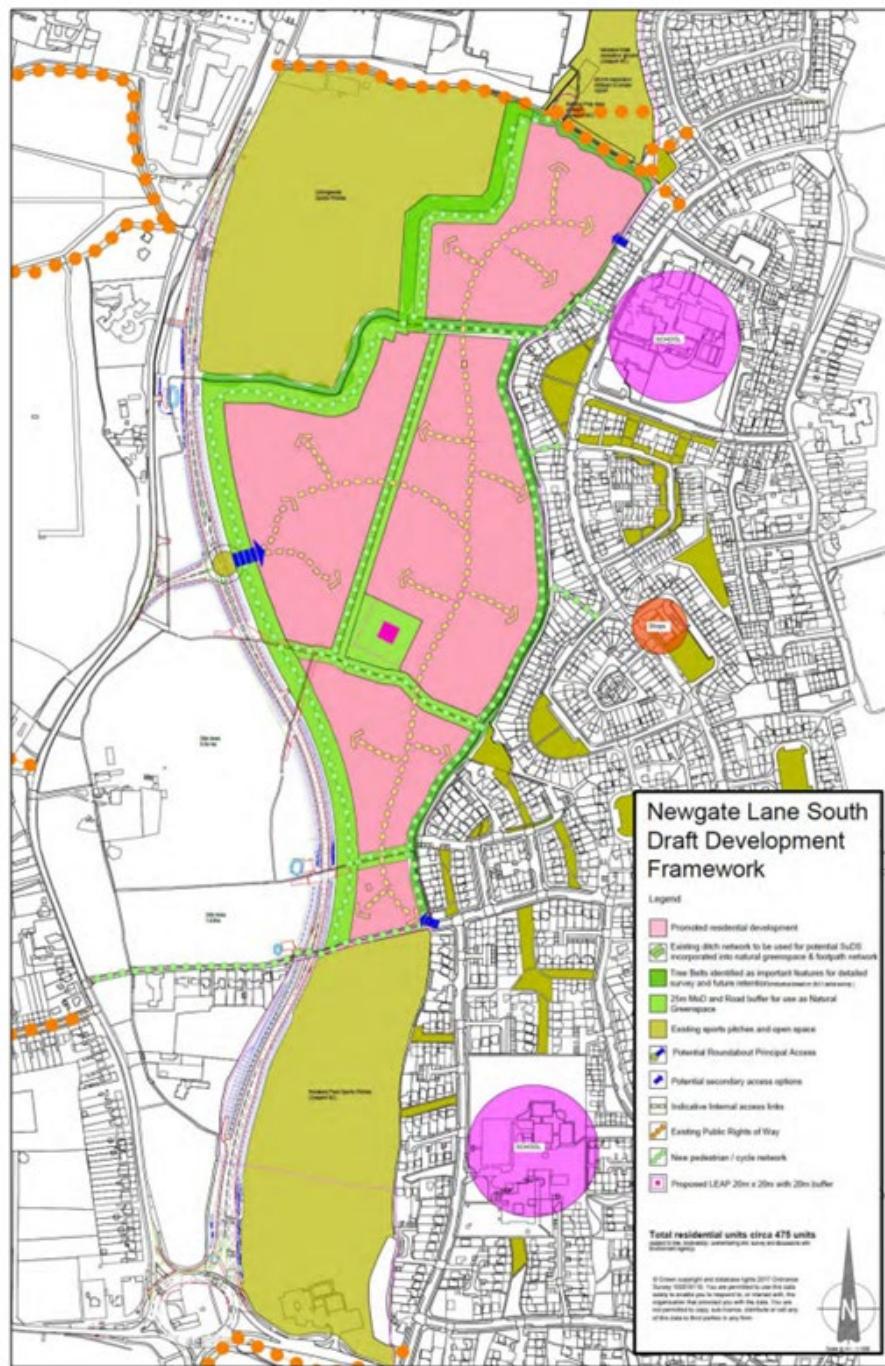
Design Considerations of HA2

- 4.7. In earlier sections of my evidence, I note the context of the landscape consultation response from NLG (**CDB.6**) and how this failed to recognise the input into the iterative design process of the submitted LVIA, how it omits consideration of the previous design considerations related to the former HA2 allocation, and its criticism of the design approach overall.
- 4.8. Whilst the justification for the inclusion, and subsequent removal, of HA2 from the draft Local Plan process are matters beyond the scope of my evidence, due consideration should be given to the previous design influences of HA2.
- 4.9. Notwithstanding its current omission from the draft Local Plan, HA2 was previously supported by FBC and a considerable amount of work was put in by both the Council and appellants in respect of the nature and extent how that housing allocation might come forward, including consideration as to how impacts might be minimised by adopting design approaches to mitigation.
- 4.10. The HA2 allocation was included in the Fareham Draft Local Plan 2036 (Regulation 18, published in October 2017) (**CDF.1**). This set out a number of site specific requirements that envisaged how the site would be developed, including:

- i. primary site access from Newgate Lane East;
- ii. retention of the existing network of field hedgerows;
- iii. networks and ditches as part of a green network;
- iv. pedestrian routes through the site; and,
- v. a green corridor along the western edge of the site to provide an open landscape setting for Newgate Lane East (in the context of the Strategic Gap) and to help maintain green infrastructure connections.

- 4.11. From the outset, FBC considered landscape integration and minimising impacts as part of the site selection and design process (i.e. retaining and creating green infrastructure so as to minimise potential impacts).
- 4.12. These elements are carried through to the current appeal proposals.
- 4.13. The site specific requirements for HA2 in the Regulation 18 Local Plan were supplemented by a Development Framework which provides further detail on the indicative layout and access points.

Plate JWA-01: Reg 18 Local Plan Extract – Newgate Lane East Draft Development Framework



- 4.14. The southern part of the HA2 allocation now has outline consent, allowed at appeal. With the remaining land (and the appeal site) the early stage development framework has some parallels with the current appeal proposals, however, at that stage the development framework pushed development considerably further west, and also did not propose the retention of the westernmost internal north / south hedgerows.
- 4.15. The Regulation 18 Local Plan was supported by a 'Sustainability Appraisal and Strategic Environmental Assessment' (SEA) (**CDG.11**). This documents the various residential

development options and confirmed a preferred option of 'Newgate Lane South' (Option 2F, which included the HA2 allocation). The associated SHELAA 2019 assessments (for parcels 3028 and 3057) noted the 'accessible edge of urban area' and 'low landscape sensitivity'.

- 4.16. This commentary on low landscape sensitivity is admittedly part of a high level, strategic study, but does recognise the surrounding urban context and its consequent influence. These judgements were also drawn prior to the construction of Newgate Lane East and subsequent urbanising influence of this transport route became fully apparent.

- 4.17. I acknowledge that studies such as the SHELAA assessments are often high level and draw on strategic matters, however, it is noted that the SHELAA assessment 'has been informed by the Fareham Landscape Assessment (2017)' and that 'in some instances, landscape sensitivity can be mitigated.' (CDG.2, Page 12). The commentary on the 'suitability' of the 2019 SHELAA land parcels relevant to the former HA2 allocation, are set out as follows (my own emphasis):

3028 (HA2 northern parcel, part of appeal site) (CDG.2, Page 89)

"The site is considered suitable for development as part of a proposed housing allocation. Development could be accommodated without significant effects on the landscape character of the wider area. Ecological mitigation and appropriate buffering to HMS Collingwood playing pitches required. Development must have regard to Brent Geese and Waders designation."

3057 (HA2 central parcel, part of appeal site) (CDG.2, Page 90)

Development could be accommodated without significant effects on the landscape character of the wider area (following construction of Newgate Lane South) or the integrity of the Strategic Gap. Development must have regard to Brent Geese and Waders designation. Ground is often waterlogged – site wide SuDS required to be incorporated into any scheme. Landscape and visual screening required to separate site from Newgate Lane South relief road. Site also pending identification of suitable highways access.

3002 (HA2 southern parcel, now approved) (CDG.2, Page 87)

"The site is considered suitable for development as part of a proposed housing allocation. Development could be accommodated without significant effects on the landscape character of the wider area. Development must have regard to Brent Geese and Waders designation."

- 4.18. With HA2 forming part of the Regulation 18 Local Plan, I am informed that the appellant (Miller Homes and Bargate Homes) remained in regular contact with FBC regarding progress on bringing forward the allocation for development. This included the preparation of a Development Framework Document (DFD) (CDH.18), the purpose of which is described by the document as (CDH.18, Page 4):

"The purpose of this Development Framework Document (DFD) is to expand upon the key principles set out in Site Allocation HA2 through a more refined analysis of the site opportunities and constraints, informed by technical and environmental reports and also to demonstrate how the site can be delivered as part of a joined-up approach between landowners, developers, Fareham Borough Council and other key

stakeholders. The DFD will form part of the evidence base for the new Fareham Local Plan and will help inform future versions of the Local Plan. It will also help guide future planning applications across the site allocation, so that individual applications can be delivered in accordance with the comprehensive development framework masterplan for the site."

- 4.19. I understand that dialogue on the DFD continued, and including positive input from various officers of FBC, including the urban design officer. Subsequently, a concept masterplan was produced which, I am informed, was also positively received (refer to **Plate JWA-02** and **CDH.18**).

Plate JWA-02: Extract of DFD – Concept Masterplan



- 4.20. The key points from the overall process being that:
- i. The purpose of the DFD included the more refined analysis of the site opportunities and constraints;
 - ii. The DFD was informed by background technical and environmental reports;
 - iii. The DFD fostered a collaborative approach between landowners, developers, FBC and other key stakeholders; and
 - iv. Sufficient information was gathered during this process to produce a concept masterplan, a process which had some input from relevant officers of FBC, including the Urban Design Officer.
- 4.21. Given the investment from key stakeholders, along with the extent of additional appraisal and analysis, my view is that substantial consideration appears to have been given to the avoiding or minimising impacts as part of the design process, and that this would inherently have made reference to the physical attributes and character of the local landscape.
- 4.22. In summary, the assertion in the landscape consultation response (prepared by Ian Dudley of NLG) that the appeal proposals are generic, have a lack of consideration to prevailing character, and fail to minimise harm, cannot be correct. There is a clear and detailed background to the HA2 allocation which has been informed by an iterative design process, itself overseen in part at least by FBC, including officers with relevant expertise.
- 4.23. The current appeal proposals do not reinvent the wheel in respect of previous masterplanning work for HA2, but do respond to broadly to the same environmental constraints (obviously accounting for changes over time). This includes consideration of landscape and visual matters.
- 4.24. In summary, at the stage of the Regulation 18 Local Plan, the Council found the HA2 site, and emerging masterplan for that site, acceptable.
- 4.25. Since the removal of HA2, the southern part of the allocation has been allowed at appeal and, notwithstanding the acknowledged landscape and visual impacts of the development, the Inspector for that appeal stated that there would not be a significant effect on the integrity of the Strategic Gap, be it individually or cumulatively.
- 4.26. Furthermore, the current appeal proposals give further consideration of landscape and visual constraints and opportunities and, consequently, the current iteration of the masterplan reflects a further, positive, refinement of the design approach which will further minimise potential impacts.
- 4.27. Later sections of my evidence deal with the current appeal proposal and how these reflect the local landscape context and will effectively avoid or minimise landscape and visual effects.

5. LANDSCAPE AND VISUAL ANALYSIS

Overview

- 5.1. Having considered the reason for refusal and related information (in terms of objections, consultation responses, statement of case etc), I intend to address the following matters in evidence:
- i. The Council suggest that the proposed development fails to respond to the key characteristics of the surrounding area. This is not correct and fails to acknowledge or recognise the positive design approach that has been adopted (both currently and for the previous design input to masterplanning for HA2). I will demonstrate clearly where and why mitigation is incorporated into the appeal proposals and how this will serve to minimise potential impacts;
 - ii. Reference is made to 'a range of significant adverse landscape and visual effects' (which are stated as harmful) and therefore I provide a brief summary of effects identified in the submitted LVIA and the implications of these in respect of the local context; and
 - iii. In respect of potential impacts on the integrity of the Strategic Gap, I address the nature and function of the Strategic Gap between Stubbington and Fareham and the role that the appeal site has in respect of that function, including reference to the conclusions of the evidence base.

Development and Landscape Mitigation Strategy

Overview

- 5.2. This section of my evidence sets out a brief review of the proposed development, particularly in respect of the mitigation measures that form an inherent part of the Concept Masterplan (**CDA.1**).
- 5.3. The overarching principles were set out in the submitted LVIA (**Appendix A**, Section 5, Paras 5.28 to 5.39 and Table 3). These principles were set out to a level of detail sufficient to understand how they would minimise impacts and effects.
- 5.4. This section of my evidence elaborates on these details in terms of the different components of mitigation and how these have responded to specific landscape and visual matters. Overall, these principles set a clear framework for high quality, detailed design which can then be secured by relevant conditions.

Strategy components

- 5.5. Summarising the main areas of mitigation incorporated into the Concept Masterplan (**CDA.1**), there are several points that set the overarching framework for the strategy, including:
- i. The spatial parameters of the development envelope (in respect of the footprint of development and height parameters);

- ii. The treatment of existing vegetation, noting that the existing green infrastructure will be one of the characteristics which contribute to local landscape character, and therefore any reference to this element gives due to consideration to the character and appearance of the area; and
- iii. The strategy for new green infrastructure, including proposals for public open space and landscape planting and how/why these have been placed in respect of the overall masterplan, each having a specific purpose and function.

5.6. I address each of these points below.

Development envelope

- 5.7. The development envelope is the spatial parameter within which built form will sit, including both residential dwellings and the internal road layout.
- 5.8. Overall, the development envelope for the appeal proposal is considerably reduced in comparison to that proposed for the former HA2 allocation (refer to **Plate JWA-O2** and **CDH.18**).
- 5.9. The western field parcel has been omitted from the development envelope. This will be multi-functional in respect of its use as an open area of landscape, drainage/attenuation and ecology. No access is proposed across this western field in order to ensure a suitable ecological habitat, however the apparent openness in landscape terms will be retained. Furthermore, whilst access will not be promoted across the field parcel as whole, a corridor along the northern edge of the field will be created which provides a green pedestrian link between the proposed residential areas and Newgate Lane East.
- 5.10. Notwithstanding these issues, the omission of the western field parcel from the development represents a specific response to landscape matters. The key purposes of retaining the western field include:
- i. Maintain a substantial set back from Newgate Lane East, preventing the appeal proposals from being too close to the route and minimising their visibility (also accounting for mitigation planting);
 - ii. Omission of this field parcel from the development envelope also ensures that the internal, westernmost field boundary hedgerow is retained, and in the context of the retained field parcel, rather than as part of the residential open space strategy;
 - iii. Aligned with the route of Newgate Lane East, the omission of the western field contributes to a substantial a green corridor along the western edge of the appeal site which provides an open landscape setting for Newgate Lane East and maintains green infrastructure connections;
 - iv. In respect of the Strategic Gap, considering the distance between Peel Common (at Newgate Lane and the entrance to the waste water treatment works) and the western extent of the development envelope, a distance of approximately 315m is maintained. This is within the 'rule of thumb' minimum distance of 300m that is noted within the Gap Study (**CDG.6**, Page 23) and is also consistent with the distance retained between Peel Common and the approved development to the south (and

noting again the Inspectors view that such a break was acceptable in this part of the gap).

- 5.11. A further design iteration in comparison to the HA2 proposal, is the smaller scale development parcels in the central part of the appeal site. Here the larger parcel previously considered is broken down to facilitate the retention of the second north to south field boundary hedgerow.
- 5.12. The wider development envelope is split into a series of smaller scale parcels. This also achieves several purposes, including:
 - i. Maintain existing green infrastructure, such as hedgerows and hedgerow trees as the development envelope can be set back from these components;
 - ii. To break down the scale and massing of the overall built area of development (for example, avoiding long unbroken sections of built development and providing a more articulated profile);
 - iii. Facilitating a hierarchy of streets throughout the development, including green links and pedestrian routes through the appeal site;
 - iv. The approach retains several internal field boundaries which, although the internal land use will change, still reflects the scale and pattern of the landscape at a local level; and
 - v. The parcels include set backs from the appeal site boundaries in order to provide a suitable stand off to adjacent uses as well as enable the retention of and enhancement of the green infrastructure.
- 5.13. The development envelope also considers the vertical parameters, placing a proposed limit on the height of buildings to 'two storey' development; this will maintain consistency with the existing dwellings which are located adjacent to the appeal site and in the surrounding area (and also consistent with the proposals for the approved site to the south). This will serve to minimise potential views of the appeal proposals and, where visible, will minimise the scale of change (and consequent impacts) in such views.
- 5.14. Together, all of these aspects avoid or minimise landscape and visual impacts.
- 5.15. As a greenfield site there will always be an inherent change from the countryside/agricultural context to that of built development. However, notwithstanding its link to proposed ecological uses, retaining the western field parcel is still relevant to minimising the landscape impacts.
- 5.16. For existing vegetation; where losses can't be avoided they are minimised through inclusion of new, replacement or additional planting to offset any such loss.
- 5.17. For visual effects, inclusion of landscape buffers, set-backs and areas where landscape planting can be introduced, all serve to minimise the overall visual effects.

Existing vegetation strategy

- 5.18. The strategy for existing vegetation ties in closely with that of the development envelope. As I have noted, crafting the development envelope in relation to the existing landscape components will maximise their retention in the first instance, and also gives consideration to the scale and pattern of the landscape context.
- 5.19. Careful placement of the resulting smaller scale development parcels then ensures that existing vegetation has suitable stand offs to ensure its successful retention and providing space for supplemental planting.
- 5.20. The strategy for pedestrian connections and key open spaces within the development also takes a lead from existing green infrastructure, with much of the existing vegetation aligned with, or providing connections between, open space. This provides an immediate landscape framework to the proposed built form which, along with additional new planting, promotes a better quality of development on completion.
- 5.21. Existing vegetation can also be subject to a programme of enhancement through appropriate management (such as hedge laying and/or tree health management) and new planting (including hedgerow trees) as appropriate to reinforce boundaries, improve species diversity, and ensure succession.

Green infrastructure and open space

- 5.22. Working closely with the proposals for the development envelope (which gives consideration to the local landscape context through its reference to the scale and pattern of the current landscape), the strategy for green infrastructure and open space build further on providing connectivity in terms of both biodiversity and for people.
- 5.23. The westernmost parcel is retained as open (undeveloped). This matter is covered above but to reiterate, this is intended as a multi-functional area, providing a substantial buffer to Newgate Lane East (and beyond), provides a range of habitats, includes attenuation (which can be subject to a naturalistic design treatment and need not be 'engineered'), and has appropriate ecological habitats. Overall, this minimises landscape and visual impacts and maintains a sense of openness along Newgate Lane East. The submitted LVIA included an indicative design vignette to show how the design of this space might be further developed (**Appendix A**, Figure 10). A further iteration of the illustrative design is included in my evidence, accounting for additional ecological input (refer to **Figure JWA-08**).
- 5.24. Other open spaces and green infrastructure connections are included throughout the appeal site, providing a strong landscape framework within which the appeal proposals would sit. The strategy was defined in the submitted LVIA and accounted for in the assessment of impacts, given the positive influence of that strategy on the development and potential for this to minimise impacts (refer to **Appendix A**, Figure 9).
- 5.25. The strategy includes a central open space which, combined, includes an area for a proposed Neighbourhood Equipped Area of Play (NEAP), a central green and the southern extent of the linear park. Together, this hub represents a space approximately 100m in width (east to west) and 75m breadth (north to south). The central open space connects to a series of tree lined streets and pedestrian connections, including routes through to nearby residential areas (and including the approved development to the south).

- 5.26. The linear park, aligns with the established (retained) hedgerow and is offset from the feature to provide a more substantial linear space to one side of the hedgerow, providing sufficient space for further design to add more diverse landscape treatments (including circulation). The central part of the linear park is approximately 150m in length and approximately 25m in width. It is crossed (indicatively) by a pathway. The linear park extends both north and south for a further 100m respectively (approximately) with associated swales and retained hedgerows and greenspaces. This is a substantial area of open space and, furthermore, this intersects and connects with several other spaces and green routes across the appeal site, contributing strongly to a diverse network of green spaces and a landscape framework.
- 5.27. Other parts of the green infrastructure strategy relate to the provision of appropriate boundary treatments. These include 'corner pockets' of open space, where existing vegetation is retained and the development envelope set back, providing a greater depth for proposed planting (refer to **Figure JWA-07**). These pockets facilitate additional landscape planting which will service screen and soften views of proposed built form. This will minimise impacts, predominantly from the west and receptors along Newgate Lane East.
- 5.28. Landscape buffers are also proposed for parts of the appeal site. One such example is the northern edge of the appeal site, which runs parallel to the existing public footpath and adjacent to the Tukes Avenue open space. Here the proposed width of the landscape buffer is sufficient that detail design considerations can incorporate additional planting and circulation routes to provide access through high quality spaces and tree lined green corridors which, together, will also serve to minimise visual effects through additional screening (refer to **Figure JWA-07**).
- 5.29. Overall, notwithstanding that the application was made in outline, I am satisfied that the development strategy to date incorporates a robust approach to landscape and visual matters, giving due consideration to the character and appearance of the area by retaining and referencing existing landscape features and maximising the use of these to inform the masterplan.
- 5.30. There will be an inherent degree of landscape and visual impact related to the appeal proposals. This has been openly and fairly assessed by the submitted LVIA and relates largely to the change from the current agricultural pocket of landscape on this part of the settlement edge to that of a residential development.
- 5.31. However, I am also satisfied that the robust approach to landscape and visual matters has had a substantial influence on the masterplan (both currently, and previous influences through the consideration of HA2). The consequence is an inherent scheme of mitigation which will successfully avoid or minimise landscape and visual effects.

FLA development criteria

- 5.32. In the context of DSP40 and the requirement to 'minimise' impacts (as well as other policy requirements that recognise character etc) it is also necessary to refer to the FLA (**CDG.20**) and specifically the 'development criteria and enhancement opportunities' which the LFA identifies for each defined landscape/local landscape character area (LCA/LLCA).

- 5.33. The FLA defines the development criteria as part of the conclusion for the key sensitivities of each given LCA and the 'performance criteria' that form the test against which the suitability of any particular development can be assessed. The FLA states how the criteria provide details of the priorities for landscape conservation or enhancement to which development proposals would need to respond in order to protect and enhance the character and quality of landscape resources, views and visual amenity, urban setting and green infrastructure (**CDG.20**, Part 2, Page 16).
- 5.34. During my involvement in the previous appeals, there was some debate as to whether the intention of the FLA was for each and every criteria to be met in full, or whether these were presented as more general guidance/principles.
- 5.35. My view is that these are not intended to be prescriptive to the point that all development should meet each criteria in full. This would simply be too restrictive in respect of residential development alone, however the FLA also considers 'development' more generally and the FLA criteria stated as being relevant to 'other forms of development' also (**CDG.20**, Part 1, Page 11).
- 5.36. To apply a restrictive set of criteria that is the same for residential development and, for example, large scale commercial development or development of renewable energy, simply would not work and would be neither appropriate nor an effective way to positively influence development and to minimise impacts.
- 5.37. Notwithstanding this point, I have reviewed the criteria for 'LCA 8.1 Woodcot' and considered each against the appeal proposals (i.e. residential development). For LCA 8.1, the FLA sets out ten development criteria and enhancement opportunities (**CDG.20**, Part 2, Page 161).
- 5.38. I have summarised these in the following table, alongside a brief response as to how/why the proposed development responds positively to them.
- 5.39. In considering the design response, consideration has been given to the 'strategy components' discussed above, and to the relevant sections of the Submitted LVIA (**Appendix A**, Section 5).

Table JWA-01: Summary of LCA 8 development criteria/enhancement opportunity and design response of the appeal proposal

| Relevant FLA development criteria and enhancement opportunity | Proposed development design response |
|---|--|
| Protect the open, predominantly agricultural and undeveloped, rural character of area 8.1a. | <p>The submitted LVIA acknowledges the effect on landscape character of the area 8.1a, noting this will be moderate to major adverse falling to moderate adverse in the longer term.</p> <p>Notwithstanding that degree of impact, the retention of the western field parcel will protect a sense of openness, particularly from Newgate Lane East and, along with the other areas of agricultural land adjacent to the appeal site and west of Newgate Lane East some sense of the agricultural/rural character will be retained.</p> |

| | |
|--|--|
| <p>Maintain and strengthen the existing structure of trees, hedgerows and other mature vegetation, to maximise its landscape and wildlife value and to minimise impacts on the rural character of the landscape.</p> | <p>The appeal proposal adopts a landscape strategy which proposed to retain much of the existing green infrastructure network and enhance this through additional planting, management and additional connectivity. Consequently, this minimises impacts on the landscape.</p> |
| <p>Maintain the essentially open, undeveloped character of the public open space, playing fields and sports facilities within area 8.1b, and be designed to relate closely to the existing structure of trees, hedgerows, and existing characteristic built features within the area.</p> | <p>It is worth noting that, whilst the open spaces and playing fields themselves are not developed, they are strongly influenced by the adjacent and surrounding urban fringe, consequently their character (unless solely considering within their boundaries) are not inherently open and undeveloped.</p> <p>However, irrespective of this, the appeal proposals maintains openness and minimises potential impacts through inclusion of open spaces, landscape buffers and landscape planting at key locations around the appeal site and these will serve to minimise influence of the appeal proposals on any adjacent open spaces.</p> |
| <p>Avoid any major incursion of the urban area into the countryside beyond existing well defined boundaries, or create significant new pockets of urban or urbanising development within open farmland.</p> | <p>Since the publication of the FLA, Newgate Lane East has been constructed and is now an established feature in the landscape. The route of Newgate Lane East, including its own landscape mitigation, presents a well defined boundary in the landscape.</p> <p>The appeal proposals work with this boundary, providing a substantial setback and landscape buffer to the boundary in the form of the western field. This will maintain a sense of openness when perceived from Newgate Lane East.</p> <p>Consequently, given the physical and visual containment of the appeal site, and the existing context of existing and future residential development (and other parts of the urban fringe) the appeal proposals will be relatively contained and not be perceived as a significant new pocket of development.</p> |
| <p>Protect the area's role in maintaining the separation of settlements and a clear distinction between urban and rural areas. In particular, avoid ribbon development strung out along road corridors (e.g. along the existing and proposed new alignment of Newgate Lane) and any development beyond the existing urban edge that cannot be successfully integrated within the existing landscape structure and which could affect the visual, physical or perceived integrity of the strategic gap.</p> | <p>The appeal proposals include a substantial landscape buffer to Newgate Lane East, which itself forms a robust boundary. Together an appropriate break is maintained between the western edge of the appeal proposals and Peel Common, ensuring that separation and a distinction between these areas is maintained.</p> <p>The appeal proposals do not represent ribbon development and will be integrated into the existing landscape.</p> <p>Furthermore, and more importantly in my view, the core part of the strategic gap between Fareham and Stubbington will not be affected.</p> |
| <p>Maintain significant distance and separation from the corridor of the new road to minimise its urbanising effects upon the rural character of the area.</p> | <p>The retention of the western field parcel as an open area, along with retained hedgerows and supplemental planting will maintain a significant distance from the corridor of Newgate Lane East, consequently minimising the urban effects on the route and maintaining some sense of agricultural/rural character.</p> |

| | |
|--|---|
| Avoid the introduction of tall buildings or structures that would be particularly visually prominent within the open, flat landscape. | The appeal proposals are limited to two storeys which is consistent with both existing residential development and also the proposed development to the south, allowed at appeal. |
| Protect and enhance enjoyment of the landscape by maintaining and enhancing the existing areas of public open space and access network, and by making further provision for accessible greenspace and access links within and across the area. | The appeal proposals aim to avoid or minimise potential visual affects on adjacent areas, including open spaces, through use of landscape buffers and proposed planting. The appeal proposals also include a diverse range of open spaces within the layout, providing for a greater degree of connectivity and accessibility across the area. |

Good design

- 5.40. Good design is a key aspect of sustainable development, as identified in the NPPF (NPPF, Section 12). In respect of good design, the NPPF makes reference to the creation of 'high quality, beautiful and sustainable buildings and places'.
- 5.41. As the appeal proposals are in outline, FBC have considerable scope to control the detailed design and ensure the nature of detailed proposals is of a suitable quality which meets the aspirations of the NPPF and good design.
- 5.42. However, as a starting point I consider the illustrative proposals to represent a well thought out and environmentally led approach to development.
- 5.43. The masterplan has considerable history (involving a range of relevant stakeholders) in respect of the analysis of constraints, opportunities and how these have evolved to form illustrative proposals. The current appeal proposals represent a further refinement, addressing landscape and visual issues and ensuring potential impacts are minimised.
- 5.44. Overall, the illustrative proposals provide a robust framework within which the proposed development will sit. The illustrative proposals also incorporate sufficient detail on key principles that can be adopted to guide design matters going forward.
- 5.45. The NPPF also notes that design should be grounded in an understanding and evaluation of each area's defining characteristics (NPPF, Para 127), something that clearly applies to the appeal proposals given the context of how the HA2 design initially evolved and how my own landscape and visual analysis has had further influence on the masterplan.
- 5.46. In respect of good design, the NPPF also identifies some more specific measures to be considered, including (NPPF, Para 130 to 131):
- i. Being visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - ii. Being sympathetic to local character and history, including the surrounding built environment and landscape setting;

- iii. To establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- iv. Create places that are safe, inclusive and accessible and which promote health and well-being; and
- v. Ensuring that new streets are tree lined, and existing trees are retained and newly planted trees are subject to appropriate maintenance in the long term.

5.47. Overall, both the content of the submitted LVIA and these sections of my evidence, demonstrate that the principles of good design have been established and I see no reason as to why FBC cannot continue to adopt this approach for future, detailed design stages.

Summary

- 5.48. Overall, there is a robust scheme of mitigation embedded in the design of the appeal proposals.
- 5.49. The appeal site is naturally very well contained, and any potential impacts and effects will be highly localised and limited to a small pocket of the local landscape and a small number of visual receptors.
- 5.50. The mitigation inherent in the appeal proposals will go further and will avoid and minimise potential impacts in respect of landscape character and views/visual amenity and represents a positive approach to design at this strategic level, which will set a strong framework for that approach to be adopted in future detailed design.

Summary of Landscape and Visual Effects

- 5.51. In this section of my evidence, I briefly review the landscape and visual effects of the appeal proposals, as assessed in detail in the submitted LVIA (**Appendix A**).
- 5.52. I do not intend to repeat the content of the LVIA in detail, but include this section to highlight some of the main issues arising in respect of landscape and visual effects.

Landscape and visual baseline

Overview

- 5.53. The submitted LVIA sets out a comprehensive baseline for the appeal site and its immediate context (**Appendix A**, Section 4).
- 5.54. This includes reference to published landscape character studies but, importantly, also consideration of the appeal site in its immediate context. The former adopts boundaries which define the specific pocket of landscape, within which the landscape is predominantly defined by its agricultural land uses; the latter gives the opportunity to understand that agricultural character in respect of its local context, that of a distinctly ordinary pocket of remnant agricultural land which is strongly influenced by the suburban influenced.

- 5.55. The landscape and visual baseline of the submitted LVIA is supported by further analysis of the ‘future baseline’ (**Appendix A**, Paras 5.19 to 5.27). This section this gives recognition to the changes in the landscape related to Newgate Lane East and the continued establishment of its own mitigation (and landscape planting), as well as the implications for the future baseline of the proposed residential development immediately south of the appeal site which has since been allowed at appeal.

Landscape sensitivity

- 5.56. The submitted LVIA includes a detailed analysis of landscape sensitivity (**Appendix A**, Para 6.6 to 6.24), based on a detailed methodology with criteria that have been developed with consideration of best practice guidance.
- 5.57. Consequently, I consider the submitted LVIA presents a clear and robust justification of my judgements on the sensitivity of the contemporary landscape, and which is specific to the type of development proposed and to the site/landscape in question.
- 5.58. This also represents a clear justification for the difference between my own assessment of sensitivity, as set out in the submitted LVIA (**Appendix A**, Para 8.2 to 8.22), and the conclusions of sensitivity presented in the published evidence base (i.e. the FLA, **CDG.20**).
- 5.59. In contrast, the FLA (**CDG.20**) was published in 2017 in support of the Regulation 18 draft Local Plan (although not subject to formal consultation). The FLA was no doubt prepared over a series of months and years prior to that date. As such it is at least five years old now, with considerable landscape change occurring in close proximity to the appeal site and elsewhere in the Borough.
- 5.60. The judgements on sensitivity set out in the FLA address four areas, including: the landscape resource; visual environment; landscape as part of the setting/identity of urban areas; and, as part of the green infrastructure network. This is a different approach to that required by the GLVIA3 for an LVIA, and an approach which relies to a much greater degree on professional judgement without the structure of guiding criteria (although there is reference to ‘factors’ which should be considered).
- 5.61. Moving away from the FLA methodology, and coming back to the sensitivity of the appeal site, the FLA (2017) defines the landscape sensitivity of LCA 8 – Woodcot / Alver Valley’ / ‘sub-area 08.1a’ as high, and slightly lower for the adjacent area of 08.1b (which essentially comprises the HSM Collingwood sports pitches). Noting again the FLA was prepared in the context of the Regulation 18 draft Local Plan, but that this conclusion on sensitivity did not prevent the draft allocation of HA2 at that time.
- 5.62. In the submitted LVIA (2022), I determine the landscape as ‘medium sensitivity’. This is on the basis of a range of factors and considerations, including the change in the landscape to one of ‘weak’ structure following the construction of Newgate Lane East and the consequent severance of existing hedgerows, field patterns and changes to the scale of the landscape; the introduction of the highway corridor itself which, represents a new urbanising/detracting feature within the sub-area and other nearby detracting features such as the solar installation and recent battery storage development (both to the west of Newgate Lane East).
- 5.63. It is reasonable to assume that the landscape sensitivity defined by the FLA might need to be re-considered and moderated. It is also reasonable to address this potential change on

a site by site basis, through the application of a detailed LVIA. A detailed, site specific appraisal of landscape sensitivity has been undertaken in respect of the appeal site and the appeal proposal, and the submitted LVIA presents a transparent assessment as to how and why the assessed landscape sensitivity (medium) differs from that prescribed by the FLA (high).

Landscape sensitivity across the Borough

- 5.64. Notwithstanding the justification set out in the submitted LVIA (and further considered in this evidence), I expect that FBC will dispute the analysis and conclusion present in the submitted LVIA and this evidence and that they will maintain that the FLA judgement of 'high sensitivity' should be preferred.
- 5.65. With that in mind, it is useful to provide an overview of landscape sensitivity across the Borough, as defined by the FLA (**CDG.20**).
- 5.66. Landscape sensitivity is often cited as a key constraint to development, and is one of the main considerations of FBCs SoC (**CDG.20**, Para 9.12). However, whilst it is a relevant factor, it should not be treated as an absolute constraint.
- 5.67. The background section of the FLA describes the purpose of the exercise (defining landscape sensitivity) is to identify 'where this change matters most and least' and 'to help define how change might be designed to achieve positive benefits rather than adverse effects' (**CDG.20**, Part 2, Page 7).
- 5.68. The FLA notes that its approach is predicated on the basis that 'all countryside matters' but more importantly notes that it is also predicated on the basis that 'some form of development can potentially be accommodated within most landscapes as long as it can be demonstrated that it would not have unacceptable impacts on valued landscape assets or visual amenity and would provide positive landscape benefits' (**CDG.20**, Part 2, Page 8).
- 5.69. The FLA also goes on to state that 'it has not been influenced by any knowledge of the amount of development land that might be required to meet future targets or by any other environmental, socioeconomic or planning considerations which may influence development potential' (**CDG.20**, Part 2, Page 9).
- 5.70. The FLA identifies a total of fourteen landscape character areas (LCAs), with several including further sub-divisions.
- 5.71. The following table summarises the sensitivity of each LCA, as defined in the FLA (with the various levels of sensitivity for each LCA also illustrated on **Figure JWA-06**¹).

*Table JWA-02: Summary of landscape sensitivity for FLA LCAs (**CDG.20**)*

| FLA LCA | Landscape sensitivity (and reference) ² |
|---------|--|
|---------|--|

¹ Note that this figure has been digitised based on drawn boundaries within the pdf files of the FLA and not from specific digitized data (which is not available as far as we are aware)

² Note that the FLA does not apply a consistent structure and terminology to its sensitivity judgements and in some limited instances, interpretation has been applied to Figure JWA-06 (generally indicated by inverted commas in the above table)

| | |
|--|--|
| 1 – Upper Hamble Valley | 1.1 Upper Hamble River Valley – High – p26 1.2 Swanwick Wood and Lakes – High – p33 |
| 2 – Lower Hamble Valley | 2.1 Lower Hamble Valley Side – High – p47 2.2 Warsash Nurseries – mixed, b high, a 'lower' – p61 |
| 3 – Hook Valley | 3.1 Hook Valley – High – p70 |
| 4 – Chilling – Brownwich Coastal Plain | 4.1 Chilling – Brownwich Coastal Plain – High – p83 |
| 5 – Titchfield Corridor | 5.1 Titchfield Corridor – High – p99 5.1d – Low to moderate – p99 |
| 6 – Meon Valley | 6.1 Lower Meon Valley – High – p113 6.2 Upper Meon Valley – High – p122 |
| 7 – Fareham – Stubbington Gap | 7.1 Fareham – Stubbington Gap – high – p138 |
| 8 – Woodcot – Alver Valley | 8.1 Woodcot – High – p153 (8.1b 'slightly lower') 8.2 Peel Common – p163 – 8.2a, low – 8.2b, moderate to high – 8.2c, High |
| 9 – North Fareham Downs | 9.1 Wallington River Valley – High – p179 9.2 Furze Hall Fringe – High – p191 |
| 10 – Forest Of Bere | 10.1 Forest Of Bere – High – p199 |
| 11 – Portsdown | 11.1 Western Portsdown Hill – High – p213 11.2 Portsdown Escarpment – High – p221 11.3 West Portchester Fringe Farmland – Low – p229 11.4 Fort Wallington Fringe – Low – p237 |
| 12 – Cams – Wicor Coastal Plain | 12.1 Cams/Wicor Coastal Plain – High – p252 (12.1b 'lower') |
| 13 – Burridge – Swanwick – Whiteley | 13.1 Swanwick and Burridge Road Corridors – Low – p271 |

| | |
|----------------------|---|
| | 13.2 Swannick and Burridge Fringes – 13.2a, Moderate – p273 – 13.2b and c 'fewer' p279 |
| 14 – North Sarisbury | 14.1 North Sarisbury – Moderate – p287 |

- 5.72. On review, of the fourteen landscape character areas (LCAs) that are defined in the FLA (and accounting for subdivisions), the majority of these defined as 'high' or 'moderate to high' sensitivity.
- 5.73. Being a landscape of 'high sensitivity' is consequently something that is applicable to large areas of the Borough (refer to **Figure JWA-06**).
- 5.74. For any development to come forward, particularly larger scale areas that would be required to deliver housing, is more than likely to include areas of the highest landscape sensitivity (as defined by the FLA).
- 5.75. The implication being that, not only will a higher level of landscape sensitivity be a constraint that is common to all development proposals, but it will also be a common constraint to the majority of new or emerging allocations in the Local Plan (for example, HA54 – Crofton Cemetery, and HA55 – Longfield Avenue) (refer to **Figure JWA-05**).
- 5.76. In that context, making reference to the FLA as a "constraint to development" may wrongly preclude land coming forward that is necessary to deliver strategic growth.
- 5.77. Instead, the FLA should be used to broadly guide the direction of future development and also, most importantly, be used to inform inherent mitigation that can be incorporated into development as far as practicable (given the strategic nature of the study).
- 5.78. Indeed, the current Regulation 19 draft Local Plan includes several allocations in LCAs which are judged in the FLA to be of 'high sensitivity'.
- 5.79. For example, the adjacent LCA (LCA 7, the Fareham to Stubbington Gap), is subdivided into two areas. The first (07.1a) represents the wider countryside and extensive area of open arable land that extends between Stubbington and Fareham, whereas the latter (07.1b) relates primarily to the waste water treatment works and solar farm (both immediately west of Newgate Lane). The FLA determines that 'overall' the LCA is of 'high' sensitivity (refer to **Figure JWA-06**).
- 5.80. Notwithstanding this sensitivity judgement, the current Regulation 19 draft Local Plan includes two allocations in this area, HA54 and HA55. The former, A54 (East of Crofton Cemetery, Stubbington) has permission for 206 dwellings, whilst the latter, HA55 (South of Longfield Ave, Fareham) is subject to a current application for 1,200 dwellings.
- 5.81. FBC have clearly not adopted an approach where a landscape that is judged as being high sensitivity precludes development.
- 5.82. This reiterates the importance of undertaking more detailed assessments of a site, development proposal, landscape sensitivity, and impacts, thus ensuring that these inform constructive masterplans that incorporate appropriate mitigation.

- 5.83. This is the approach adopted by the appeal proposals.

Landscape effects

- 5.84. The following table sets out a summary of the landscape assessment (refer to **Appendix A**, Tables 8 and 10).

*Table JWA-03: Summary of landscape judgments on from the submitted LVIA (**Appendix A**)*

| Landscape Receptor | Landscape Value | Landscape Susceptibility | Landscape Sensitivity | Magnitude of Impact | Significance of Effect |
|--|-----------------|--------------------------|-----------------------|--|---|
| LCA8 – Woodcot / Alver Valley sub-area 08.1a | Medium | Medium | Medium | Completion / Year 1 Medium to high Year 15 Medium | Completion / Year 1 Moderate to major adverse Year 15 Moderate adverse |
| Site in its context | Medium | Medium | Medium | Completion / Year 1 Medium to high Year 15 Medium | Completion / Year 1 Moderate to major adverse Year 15 Moderate adverse |

- 5.85. Overall, the scale of the defined LCA and the scale of the appeal site in its immediate context are very similar. In respect of the LCA, this is partly due to how the various character areas have been defined by the FLA (i.e. restricted by the immediate context and sub-divided further still into smaller sub-parcels), but also partly due to the contained nature of this part of the landscape.
- 5.86. Within itself, much of the LCA is ‘open’ in terms of an absence of development, but its context is very much contained and/or ‘enclosed’ due to the settlement edges at Fareham and Gosport, but also by urbanising elements of Newgate Lane East, Peel Common, the waste water treatment works and the solar installation.
- 5.87. For context, and relating this to other parts of the Strategic Gap, LCA 7 (Fareham to Stubbington Gap) is similarly defined by its extent and interface with Fareham and Stubbington, and is a larger scale LCA as a result.
- 5.88. Overall, the submitted LVIA (**Appendix A**) acknowledges the ‘moderate to major adverse’ effect at year one, falling to ‘moderate adverse’ at year 15. The change in significance relates to the gradual and progressive change over time as landscape proposals included as mitigation establish and mature.

- 5.89. Consequently, whilst I would consider a 'moderate to major adverse' effect significant in the short term, I do not consider this would be significant in the longer term and overall.
- 5.90. Furthermore, in the context of a 'balance' between scale, openness at a site level and physical/visual containment, this effect, and any perception of the change in landscape character, will be highly localised.
- 5.91. Turning back briefly to the consideration of landscape effects at Year 1 (completion), I am content that this cannot be judged to be higher (i.e. major adverse) on the basis that the design of the appeal proposals, from the outset, have recognised the local landscape context, integrating these features and referencing the scale, pattern and components of the landscape within the design of the masterplan. Albeit smaller scale, parts of the LLCA will remain intact, particularly the areas to the west of Newgate Lane East, adjacent to Peel Common.
- 5.92. Furthermore, there is a strong context of the existing settlement edges, including reference to residential development. This forms a backdrop against which the appeal proposals will be experienced (i.e. this is not a new or unusual component in the landscape, it is only new on the appeal site).
- 5.93. Consequently, the appeal proposals will be assimilated into the landscape context from the outset, albeit more prominent in the short to medium term whilst other proposed mitigation measures which will help integrate the appeal proposals establish and mature. (i.e. proposed landscape measures, rather than integrating with the existing landscape components).
- 5.94. I also do not consider that the landscape effects should be any higher than moderate to major adverse (considering Year 1 / completion) given that not all of the LCA will be affected by the proposals. The judgement in the submitted LVIA reflects the scale of the appeal proposals in the receiving landscape, however the countryside/agricultural context will be retained and continue to be experienced along the route of Newgate Lane East, due to the retained western field parcel, along with the remaining parts of the LCA located to the west of Newgate Lane East.
- 5.95. Finally, I am also satisfied that the landscape effects will reduce in the longer term (down to moderate adverse and not significant).
- 5.96. I have previously set out a review of the design development and mitigation inherent in the appeal proposals and how these both: recognise the existing landscape and incorporate these as components within the masterplan; and, include extensive proposals for new green infrastructure and open space (with landscape planting). Combined these will help assimilate the appeal proposals into the landscape in the longer term, successfully minimising the impacts overall.

Visual effects

- 5.97. The following table sets out a summary of the visual assessment (refer to **Appendix A**, Table 11 and Figure 6).

Table JWA-04: Summary of visual judgments on from the submitted LVIA (Appendix A)

| Viewpoint Reference | Sensitivity | Year 1 | | Year 15 | |
|--|-------------|---------------|---------------------------|-------------------|-----------------------------|
| | | Magnitude | Significance | Magnitude | Significance |
| 1. View looking south-east from the public footpath on Tanners Lane, immediately south of HMS Collingwood | High | Nil | Nil | Nil | Nil |
| 2. View looking south-east from the B3385 (Newgate Lane) | Medium | Low | Minor adverse | Negligible to low | Negligible to minor adverse |
| 3. View looking south from the public footpath between Newgate Lane and Tukes Avenue, immediately south of the Speedfields Retail Park | High | Low to medium | Moderate adverse | Low | Minor to moderate adverse |
| 4. View looking south from Tukes Avenue open space, immediately east of Speedfields Retail Park | High | Medium | Moderate to major adverse | Low | Minor to moderate adverse |
| 5. View looking west, through the existing field access off Tukes Avenue (Note that this view is also representative of adjacent residential receptors, which are taken as the worst-case scenario) | High | Medium | Moderate to major adverse | Low | Minor to moderate adverse |
| 6. View looking east from the public footpath, just off Newgate Lane, on Tanners Lane | High | Low | Minor to moderate adverse | Negligible to low | Minor adverse |

| | | | | | |
|---|--------|--|--|--|--|
| (Note that this view is also representative of road users, but the junction with the PROW is taken as the worst-case scenario) | | | | | |
| 7. View looking west from the access track to the rear of properties off Pettycot Crescent (Note that this view is also representative of adjacent residential receptors, which are taken as the worst-case scenario) | High | Medium Future baseline Low to medium | Moderate to major adverse Future baseline Moderate adverse | Low to medium Future baseline Low | Moderate adverse Future baseline Minor to moderate adverse |
| 8. View looking east from Newgate Lane, just east of the Newlands Solar Farm | Medium | Medium Future baseline Low to medium | Moderate adverse Future baseline Minor to moderate adverse | Low to medium Future baseline Low | Minor to moderate adverse Future baseline Minor adverse |
| 9. View looking east from Newgate Lane, at Peel Common | Medium | Negligible | Neutral | Negligible | Neutral |
| 10. View looking north from Newgate Lane East, close to the crossing point between Woodcote Lane and Brookers Lane (Note that the view accounts for the higher sensitivity of walkers and/or cyclists using the connection between Woodcot Lane and Brookers Lane, consequently) | High | Low to medium Future baseline Low | Moderate adverse Future baseline Minor to moderate adverse | Negligible to low Future baseline Negligible | Minor adverse Future baseline Negligible to minor adverse |

| | | | | | |
|--|--------|---|--|---|--|
| representing the worst-case scenario) | | | | | |
| 11. View looking north from Brookers Field Recreation Ground | High | Negligible <u>Future baseline</u> Nil | Neutral <u>Future baseline</u> Nil | Negligible <u>Future baseline</u> Nil | Neutral <u>Future baseline</u> Nil |
| 12. View looking north-east from Gosport Road, on the settlement edge of Stubbington | Medium | Nil | Nil | Nil | Nil |

- 5.98. The assessment of visual effects illustrates a very restricted area from which any degree of impact will be experienced, with an even more localised area from where visual effects would be considered as high significance.
- 5.99. I acknowledge that visual effects that are 'moderate to major adverse' would be significant (at Year 1/completion at least), however with the inclusion of landscape planting as part of the comprehensive approach to mitigation, the significance of effect would be reduced and there would be no 'significant effects at Year 15 (noting also the gradual decrease of impacts over time as landscape proposals establish and mature).
- 5.100. Examples of specific visual effects at 'moderate to major adverse' include Tukes Avenue open space (and the associated section of the PROW); the field gate access to the appeal site off Tukes Avenue (noting that this is a specific point which is a 'worst case' of views into the appeal site, other locations in the residential estate do not have direct views) and the service/access road to the garages and rear of the properties of Pettycot Lane (also adjacent to the appeal site boundary).
- 5.101. Furthermore, mitigation would be successful in minimising visual effects, as retention of existing vegetation is retained and additional/new landscape planting establishes and matures.
- 5.102. Notwithstanding that effects are not likely to be significant form other specific locations/receptors groups, it is worth noting other specific locations for context.
- 5.103. For users of Newgate Lane and for residents on Peel Common, there are currently some views across toward the appeal site mitigation planting associated with Newgate Lane East will develop over time and influence these views, as will (from some locations) the approved residential development to the south. There may be some limited views of the appeal proposals, but on the basis of existing landscape components and mitigation inherent in the appeal proposals, these are not likely to be significant.

- 5.104. For users of Newgate Lane East, currently views are available from the northern section of this route, broadly between the urban edge of Fareham and the point where the highway acoustic fencing starts (a point close to the south-western corner of the appeal site).
- 5.105. This represents a distance of approximately 690m of the route. Travelling south from the edge of Fareham, views to the appeal site are influenced by the amenity landscape of the HMS Collingwood sports pitches; once past the sports pitches, there is just approximately 315m of the route with clear views across the existing agricultural landscape. In this context, particularly given the more urbanising context of Newgate Lane East further south along its route, there is no extended and distinct break between the settlement edge of Fareham and the influence of Gosport.
- 5.106. Such views are characterised by the currently open fields, but the residential development at Gosport forms a distinct and continuous backdrop to this. The approved development to the south of the site will add further to the existing residential context in such views.
- 5.107. Furthermore, mitigation associated with Newgate Lane East includes hedgerow planting with frequent hedgerow trees along its length, and this runs parallel with the highway through the currently more agricultural section of the route. Over time this will develop and will filter views into the appeal site.
- 5.108. The landscape consultation response of NLG agrees that the appeal site has a relatively restricted visual envelope (**CDB.6**, Page 12) however does not agree that mitigation would reduce significance of effects. However, there is some doubt as to the robustness of this judgement given the incorrect assumptions on the nature and extent of planting, which do not appear to have properly accounted for mitigation that is described in the submitted LVIA.

Summary

- 5.109. In respect of landscape and visual impacts, the submitted LVIA (**Appendix A**) demonstrates that:
- i. Landscape character of the appeal site and its context is reflective of the remnant agricultural landscape which is now present since the construction of Newgate Lane East, the area is now severed by the route and influenced by its urbanising characteristics, with the suburban edge now appearing closer to the route than that of the previous route of Newgate Lane;
 - ii. In part, the landscape pattern is fragmented, but fieldscapes are present across the wider appeal site and can consequently be referenced as a potential influence on the development layout;
 - iii. There is no connection (either physical or visual) between the appeal site (and its immediate context) and to the countryside between Fareham and Stubbington (i.e. the adjacent LCA) due to Peel Common, water works, solar site and playing fields;
 - iv. There is little connection with, or physical reference to, the valley of the river Alver, despite this being referenced in the LCA. Topography is broadly level and does not show a valley formation and the watercourse itself is apparent as part of the network

of drainage ditches which are present across the wider parcel (refer to **Figure JWA-03**);

- v. There is very little accessibility to the landscape in respect of the existing perception,, experience and enjoyment of the landscape – where available this is from adjacent recreational spaces and residential areas, rather than other parts of the ‘countryside’. Furthermore, where rights of way are present, these are generally embedded in the suburban environment (including Speedfields Retail park, the nearby open space, passing the solar installation further west and within the amenity landscape/influence of Newgate Lane East near Brokers Field);
 - vi. Irrespective of their context in terms of countryside vs suburban, the PROW and crossing between Fareham, Peel Common and Gosport (and the adjacent Brokers recreation ground) tend to be heavily enclosed and/or influenced by transport infrastructure; and
 - vii. The only remaining locations with experience of the landscape of which the appeal site is comprises, are the adjacent dwellings in Gosport. These views are varied, from locations to the rear of properties and are filtered by mature trees.
- 5.110. On that basis, notwithstanding some specific visual impacts that are of higher significance, I do not consider that the visual effects of the appeal proposals will be significant ‘overall’.

6. STRATEGIC GAP

- 6.1. In this section I set illustrate the nature and function of the Strategic Gap between Stubbington and Fareham and the role that the appeal site has in that function, including reference to the conclusions of the evidence base.
- ### Evidence Base
- 6.2. In earlier sections of my evidence, I discuss the Gap Study (**CDG.6**) and my concerns over the findings of the analysis and disparity of this with the conclusions and recommendations of the report.
- 6.3. In particular, the issues identified in the analysis and conclusions do not lead to subsequent recommendations for any specific boundary changes, despite identifying some considerable differences in the role and function of different parts of the landscape.
- 6.4. The submitted LVIA includes a more detailed analysis of this point, noting that whilst the study appears to be comprehensive, the robustness of the overall conclusions should be carefully considered (**Appendix A**, Page 60, Para 8.23 to 8.43).
- 6.5. Summarising the main points raised in the submitted LVIA, the Gap Study makes no recommendation to adjust the boundaries of the strategic gap in relation to the edges of Fareham and Gosport, despite the findings of the study that (note, my own summary and numbering):
- i. Some physical coalescence has already occurred;
 - ii. These are some of the narrowest parts of the gap, resulting in a 'minimum functioning gap, that is weak';
 - iii. Suburban edges and influences are often prominent, which reduces the effectiveness of the gap, including loss of tranquillity and presence of lighting;
 - iv. Recreational land uses are present in the form of several sports and recreation grounds and these are noted as an issue in terms of their 'visual appropriateness'; and
 - v. The road network is such that there is no genuinely clear experience of a break between the settlement areas, particularly between Peel Common, Bridgemary and the southern edge of Fareham.
- 6.6. Having considered these main points of the evidence base, in the submitted LVIA, I conclude that:
- i. In relation to the landscape around the appeal site, and particularly between Peel Common and Bridgemary, the trends are not likely to be reversed nor the strategic gap strengthened particularly with Newgate Lane East now forming such a strong urbanising feature in the local landscape context;
 - ii. If based on the Gap Study, the result would be the continued inclusion of a part of the strategic gap that is weak and under pressure in the long term; and

- iii. In this context, it would be logical and appropriate for the Gap Study to conclude that the boundary of the strategic gap be amended to omit this part of the landscape, creating capacity for appropriate forms of development that could come forward with a strong framework of green infrastructure and mitigation (as it proposed for the appeal site).
- 6.7. It should not be overlooked that by continuing to oppose development in a weak and underperforming part of the strategic gap it is likely that development needs will have to be displaced into areas of higher quality landscape and potentially into parts of the strategic gap which are currently stronger, more robust and more effective in maintaining separation.
- 6.8. In addition to the analysis and conclusions of the Gap Study, since its publication the land which formed the southern part of the HA2 allocation has since been allowed at appeal (with subsequent reserved matters application to be determined by FBC, application reference P/22/0841/RM).
- 6.9. Notwithstanding the acknowledged landscape and visual impacts of that development, the Inspector for the appeal (in respect of the outline application) stated that there would not be a significant effect on the integrity of the gap, be it individually or cumulatively.
- 6.10. The Inspector also noted that separation would remain between that appeal site and Peel Common. The Inspector also noted that Peel Common would continue to be understood as a small, isolated ribbon development.
- 6.11. Relating to this point, it is useful to note that those appeal proposals included a landscape buffer on its western edge, to the east of Newgate Lane East, and together an approximate distance of 320m would be maintained between the proposed development and Peel Common at Newgate Lane. This distance is consistent with the 'rule of thumb' minimum distance of 300m that is noted within the Gap Study (**CDG.6**, Page 23)

The Role of the Appeal Site

- 6.12. The appeal site represents an area of agricultural land, bounded by the suburban edges of Gosport and Fareham.
- 6.13. There is no physical or visual connection between the appeal site and Stubbington, maintaining a substantial break and distinction between these area settlements. The Strategic Gap, however, washes over a series of more urban elements, including the solar installation, waste water treatment works and Peel Common.
- 6.14. Perception of the appeal site, and its role in separation is largely limited to the adjacent residential areas (Peel Common and at Gosport) and from Newgate Lane East.
- 6.15. Prior to the construction of Newgate Lane East, the route of Newgate Lane would have offered a more extensive and longer distance view across the wider pocket of landscape up to the edge of Gosport. This distance, along with the smaller scale nature of the highway as it was, would have promoted a greater sense of separation on leaving/entering Fareham and the residential areas that currently define the settlement edge at Gosport (as presented in the visibility/legibility analysis of the Gap Study, **CDG.6**, Figure A5.10).

- 6.16. With the construction of Newgate Lane East this has changed. The views from Newgate Lane are now (and increasingly will be) partially screened by the route of Newgate Lane East and its mitigation.
- 6.17. The route of Newgate Lane East itself provides a different context from which the gap will be experienced. However, the new route passes broadly centrally through the area, foreshortening views for those travelling to or from Fareham, and presenting the residential context of Peel Common to the west and Gosport to the east, much closer than previously experienced; this weakens the perception of the gap with the various suburban edges and urbanising influences present and apparent on all sides.
- 6.18. Aside from the experience of the gap from the route of Newgate Lane East, it is important to note that, at a local level Gosport and Fareham are already joined, between the residential areas of Tukes Avenue and the Speedfields retail park. Locations where the gap is experienced, are closely aligned with visual receptors. They include the PROW between Newgate Lane East and Tukes Avenue, the route of Newgate Lane, and the small satellite of Peel Common.
- 6.19. From these locations the gap is not a clear and distinct break between the settlement areas. The appeal site simply presents a ‘foreground’ of the remnant agricultural landscape beyond which lies the various suburban edges. The appeal site consequently provides relief in terms of the gap experience, but does not show a physical break between the settlement areas of Fareham and Gosport.
- 6.20. Considering the gap up to Peel Common, this is a smaller, narrower part of the gap, but one which is sufficient to maintain Peel Common as a separate entity (even with the approved scheme in place a buffer will remain in place). The appeal proposals include a substantial landscape buffer on its western edge, and the gap up to Peel Common can be maintained.

Implications of Emerging Development

- 6.21. In respect of the emerging development proposals, i.e. land to the east of Newgate Lane East, both those which are consented and currently subject of this appeal, neither will have implications for the integrity of the Strategic Gap, either more widely in respect of the core Strategic Gap between Stubbington and Fareham, nor at a more local level in the Strategic Gap which maintains the separation and identity of Peel Common.
- 6.22. Currently, largely when departing the settlement edge of Fareham along Newgate Lane East, the appeal site provides an open context between the highway and to the backdrop of the suburban edge of Gosport. However, the edge of Gosport is already joined to that of Fareham (both physically and visually) and the appeal site has no role in terms of providing any sense of separation between them.
- 6.23. Considering the wider Strategic Gap up to Stubbington the waste water treatment works and solar installation, along with green infrastructure related to these areas, provide a robust and extensive physical break between the two areas, such that any change at the level of the appeal site would not be perceptible from the Strategic Gap between Stubbington and Fareham.
- 6.24. Considering the Strategic Gap at a more local level, in respect of Peel Common, Newgate Lane East forms a ‘receptor’ (by virtue of its role in providing a north/south connection from

the edge of Fareham) and also 'a boundary' in the Strategic Gap, as a defining route with both infrastructure and landscape planting along its route.

- 6.25. The appeal proposal will not breach the route of Newgate Lane East, and the areas proposed to include built form do not materially extend any further west than the consented scheme to the south. Consequently, there will be no closing of the Strategic Gap toward Peel Common and Peel Common itself will continue to be understood as small isolated ribbon development which is separate from Gosport (refer to **Figures JWA-04** and **JWA-05**).
- 6.26. The appeal proposals will maintain a suitable stand off such that the perception of a gap from Newgate Lane East will be maintained. As discussed earlier in my evidence, the appeal proposals can come forward and maintain the 'rule of thumb' minimum distances identified in the Gap Study (**CDG.6**, Page 23) and would also be consistent with the distance retained between Peel Common and the approved development to the south (and noting again the Inspectors view that such a break was acceptable in this part of the gap).
- 6.27. The route of Newgate Lane East itself represents a logical and robust physical boundary, to the Strategic Gap at the local level. In terms of the wider Strategic Gap, and I consider the more important core part of the gap which separates Fareham and Stubbington, the appeal site has no role in the function of that gap and the appeal proposals will have no impact upon it.

7. RESPONSE TO POLICY

- 7.1. In the context of the analysis presented in the previous section, I now go on to address the policy context. In terms of development plan policy and the planning balance, I defer to the evidence of Mr Gardiner; my reference to policy is from a landscape and visual perspective.

National Planning Policy Framework

- 7.2. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. NPPF paragraph 8 defines three overarching objectives to sustainable development, economic, social and environmental.

Environmental objective

- 7.3. The environmental objective (c) is explained in the following terms:

“...to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 7.4. Paragraph 126 of the NPPF sets out the aim to achieve the creation of ‘high quality, beautiful and sustainable buildings and places’, also noting the importance of ‘good design’.

- 7.5. Whilst the application was in outline, the appeal proposals represent a positive response to the local landscape context whereby design principles are established which can be taken forward to detailed design at reserved matters stages. These can continue to address the local landscape context and incorporating appropriate mitigation.

- 7.6. Earlier sections of my evidence discuss the approach to mitigation in detail, and I consider the appeal proposals to be consistent with this part of the NPPF.

- 7.7. Paragraph 130 of the NPPF requires developments to, amongst several other points, ‘function well and add to the overall quality of the area’, be ‘visually attractive as a result of good architecture, layout and appropriate and effective landscaping’ and are ‘sympathetic to local character and history, including the surrounding built environment and landscape setting’.

- 7.8. I consider the appeal proposals to be consistent with this part of the NPPF on the basis of the incorporated mitigation and the opportunity for future detailed design stages.

- 7.9. It is also worth noting that the NPPF defines green infrastructure as:

“A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.”

- 7.10. Notwithstanding the loss of agricultural enclosures, it is considered that the design of the appeal proposals, which incorporate mitigation that includes replacement and new

landscape planting through a range of open spaces, can maintain a contribution to the green infrastructure network. Furthermore, the local landscape character will retain some reference to the agricultural context on this edge of Fareham, albeit on a reduced scale.

Trees

- 7.11. Paragraph 131 sets out the importance of trees, more in relation to the character and quality of urban environments, but noting their contribution to mitigating and adapting to climate change. It goes on to set out that policies and decisions should ensure that opportunities are taken to incorporate trees in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.12. The appeal proposals are consistent with this aspect of the NPPF and landscape planting across the appeal proposals will include tree species which are both appropriate to the locality, but also contribute to good design.
- 7.13. Paragraph 132 of the NPPF requires 'design quality' to be considered throughout the evolution and assessment of individual proposals.
- 7.14. This is an inherent part of the appeal proposals which have developed a robust strategy for mitigation to ensure that the proposed built form will reflect positively on this part of the settlement edge, situated as it is within a framework of proposed green infrastructure and open space.
- 7.15. These aspects can be taken forward to later, detailed design stages and evolved further. I consider the appeal proposals to be consistent with this aspect of the NPPF.

Natural Environment

- 7.16. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
 - "a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);***
 - "b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"***
- 7.17. The appeal site is not considered to be a 'valued landscape' for the purposes of Paragraph 174 of the NPPF, nor is the appeal site subject to any national or local landscape designations.
- 7.18. In respect of 'recognising the intrinsic character and quality', to satisfactorily address this aspect of the policy it is necessary to undertake an appraisal of landscape character making reference to published guidance, but also look more specifically at the appeal site and its local landscape character. This approach looks more closely at a landscape and

enables the consistency of the contemporary baseline to be judged against published studies.

- 7.19. The submitted LVIA (**Appendix A**) makes reference to published landscape character assessment prepared at a national, regional and district level and also addresses local character by reference to the description of the appeal site and its immediate context.
- 7.20. This approach 'recognises' the intrinsic character of the local landscape context and responds appropriately.

Development Plan Policy

Adopted Fareham Borough Core Strategy 2011

- 7.21. The adopted Fareham Borough Local Plan (**CDE.1** and **CDE.2a/CDE.2b**) includes several policies relevant to landscape and visual matters and, where relevant to the appeal site and its context, these are also addressed in the following sections.
- 7.22. There are also some other policies relevant to landscape and visual matters which are not referenced but against which the appeal proposals will potentially make a positive contribution.

Policy CS4: Green Infrastructure, Biodiversity and Geological Conservation

- 7.23. This policy relates habitats and biodiversity, ecologically focussed designations and to the protection of trees and woodland. There is some relevance to landscape and visual matters by virtue of the parts of the policy that refer to green infrastructure.
- 7.24. The policy refers to networks of accessible multi-functional green infrastructure to be planned around existing green spaces in urban, urban fringe and rural areas.
- 7.25. The appeal proposals incorporate a landscape strategy that forms an integrated part of the development proposals and sets a green framework for the masterplan.
- 7.26. Furthermore, the green infrastructure network across the appeal site dovetails with the wider green infrastructure network along Newgate Lane East from the north and down into Brookers Field recreation ground, ultimately maintaining a link further south down toward the Alver Valley (at Chark Common) further to the south.
- 7.27. Overall, the appeal proposals are considered to be consistent with, and positively contribute to, the policy in landscape and visual terms.

Policy CS14: Development Outside Settlements

- 7.28. This policy states that, for land outside the defined settlements, development will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.
- 7.29. The submitted LVIA demonstrates the physical and visual containment of the appeal site in relation to both the local landscape character and visual receptors and that, consequently, potential landscape and visual impacts are minimised.

- 7.30. Some degree of residual impact is acknowledged at a site level, however in the context of the urban fringe to Fareham and Gosport in this part of the landscape, the degree of impact is not considered to be at a level that would adversely affect the overall character.

Policy CS17: High Quality Design

- 7.31. This policy requires that proposed developments be of a high quality of design. This includes the need to, amongst other criteria:
- i. respond positively to and be respectful of the key characteristics of the area, including landscape;
 - ii. provide continuity of built form; and
 - iii. provide green infrastructure, including landscaping, open spaces, greenways and trees.
- 7.32. The application is in outline and various approaches can be taken to ensuring high quality design at the reserved matters stages.
- 7.33. However, it is important to recognise the embedded principles of mitigation which include retaining green infrastructure and creation of a network of green corridors and enhanced landscape buffers across the appeal site. These will provide an immediate landscape framework for the appeal proposal, helping it integrate within the local landscape context and adopting a high-quality approach to landscape from the outset.

Policy CS22: Development in Strategic Gaps

- 7.34. This policy relates to land within a Strategic Gap and states that development proposals will not be permitted where it 'significantly' affects the integrity of the gap and the physical and visual separation of settlements.
- 7.35. Together, the submitted LVIA and my additional evidence demonstrates that the appeal site (and appeal proposal) are physically and visually well contained and would not unduly affect the overall function and integrity of the strategic gap that is in place between Stubbington and Fareham.
- 7.36. Furthermore, additional analysis demonstrates several points in relation to the Strategic Gap, including that the key area for separation is between Stubbington and Fareham (including up to the western extent of Peel Common) and that the Strategic Gap in the area between Peel Common and Gosport has been undermined to the point where it no longer fulfils its role effectively. Furthermore, the appeal proposals are effectively 'tucked in' to the settlement edge at Gosport, and the areas proposed for built form will not materially extend any further west than the consented scheme immediately to the south.
- 7.37. Together, the containment of the appeal site along with the strength of the gap further west means that there will not be a significant effect on the integrity of the gap as a result of the appeal proposal. Instead, the appeal proposals will represent a discreet narrowing of the Strategic Gap between Gosport and Peel Common, however the individual character of the satellite settlement will remain distinct despite the narrowing and will still be experienced as a more isolated area of ribbon development. The route of Newgate Lane East, along with

the landscape buffer to the consented scheme and the substantial break if the western field help to maintain the Strategic Gap at this local level.

Adopted Fareham Borough Local Plan Part 2: Development Site and Policies Plan (June 2015)

Policy DSP40: Housing Allocations

7.38. This policy notes that, in the scenario where the Council does not have a five year supply of land for housing, additional housing sites, outside the urban area boundary, may be permitted. The policy sets out several criteria, of which the following are relevant to landscape and visual matters:

- i. DSP40 ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;

Response: this report demonstrates the relationship between the appeal proposal, the edge of Gosport and the connection to Peel Common and how there exists already a connection between these areas in terms of the settlement edges and suburban influences.

- ii. DSP40 iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;

Response: this report has also demonstrated, in addition to the submitted LVIA, how the appeal proposal reflects local landscape character and limits landscape and visual effects overall. This report also demonstrates that there will be no significant effect on the integrity of the strategic gap between Stubbington and Fareham.

7.39. Overall, in respect of landscape and visual matters, I do not consider there to be a conflict with this policy.

Other Matters

7.40. Matters raised in objection to the proposed development were summarised in the case officer's report, including comments from the statutory consultees and letters of objection.

7.41. I have dealt with these issues generally through the topics included in my evidence.

8. SUMMARY AND CONCLUSIONS

- 8.1. This proof of evidence is written on behalf of Miller Homes Ltd and Bargate Homes Ltd (the appellant). It relates to an appeal against Fareham Borough Council (FBC) refusal of an outline application (all matters reserved except for access) for the development of up to 375 dwellings, access from Newgate lane East, landscaping and other associated infrastructure works on land to the east of Newgate Lane East, Fareham (the appeal site).
- 8.2. The professional judgements which are presented in this proof of evidence for this appeal (reference APP/A1720/W/22/3299739) have been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Background

Site Overview

- 8.3. The appeal site comprises ca. 20.04 hectares (ha) of land located directly adjacent to the southern settlement edge of Fareham.
- 8.4. Several hedgerows compartmentalise the appeal site, however a treed hedgerow divides the appeal site into two broadly distinct areas. The northern part comprises a single parcel of rough grassland with some encroachment of scrub vegetation. The southern part comprises three parcels of arable land, divided regularly by several linear hedgerows (and associated drainage ditches). Some mature hedgerow trees are present across the appeal site; these tend to be located on and around the appeal site boundaries but are also more prevalent in the surrounding context.
- 8.5. The route of Newgate Lane East (relief road, completed April 2018) is located to the west, whilst to the east, the boundary of the appeal site is situated directly adjacent to the urban area of Woodcot and Bridgemary (in the Borough of Gosport), and defined at this point by a line of mature trees and hedgerow, with access track, rear gardens and twentieth century residential development beyond.
- 8.6. An area of open space off Tukes Avenue, along with a public footpath, are located immediately to the north of the appeal site. Existing sports pitches and playing fields (related to HMS Collingwood) are located adjacent to the northern and north-western edge.
- 8.7. To the south, the land between the appeal site and Brookers Lane currently comprises small to medium scale agricultural fields with the boundary between the two defined by a drainage ditch, some scrub vegetation and several mature trees (former hedgerow trees). The land to the south is currently in agricultural use, however outline consent was allowed at appeal for residential development (up to 99 dwellings) (PINS references APP/J1725/W/20/3265860 (Gosport refusal) and APP/A1720/W/21/3269030 (Fareham non-determination)).

Site Context

- 8.8. In the wider landscape the context of the appeal site is well contained and related to the urban areas of Fareham to the north and Gosport to the east. These are defined by the built

form of HMS Collingwood and Speedfields Retail Park within Fareham, and by late twentieth century two storey residential development to the east. To the west the context of the appeal site is defined by a large solar installation, waste water treatment works and (to the south-west) by the isolated ribbon development of Peel Common.

Reason for Refusal

- 8.9. An appeal for non-determination by FBC was submitted by the Appellant in May 2022.
- 8.10. The subsequent 'officer report for committee' (15 June 2022) (**CDC.1**) concludes with a recommendation for refusal and statement that had the Members been able to determine the application, they would have resolved to refuse planning permission.
- 8.11. Following the initial officers report to committee (**CDC.1**), an update was provided as part of the supplementary agenda (15 June 2022) (**CDC.2**), setting out that the Council could not demonstrate a five-year housing land supply (**CDC.2**, para 6.4.7). Consequently, Policy DSP40 of the adopted Local Plan Part 2 is engaged (**CDE.2a**).
- 8.12. The updated recommendation (**CDC.2**, para 6.4.24 and 6.4.25) maintains that planning permission would have been refused, with the reasons for refusal updated to account for Policy DSP40. The reasons for refusal relevant to landscape and visual matters include.

- b) The application site lies outside of the defined urban settlement boundary within the open countryside. The proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;*
- c) The proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the Strategic Gap;*

- 8.13. This evidence considers this reason for refusal in respect of landscape and visual matters, both in respect of the perceived impacts on the character and appearance of the area, and in respect of the impact on the Strategic Gap.

Former HA2 Allocation

- 8.14. The appeal site forms the central and northern parts of the former HA2 'Newgate Lane South' allocation, which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of the Draft Fareham Local Plan, since omitted from the Regulation 19 version of the draft Local Plan.
- 8.15. In July 2021, planning permission was granted at appeal for up to 99 dwellings on the southern part of HA2, immediately to the south of the current appeal site, whereby the current appeal site effectively forms the balance of the former HA2 allocation.
- 8.16. Despite its subsequent omission, the allocation of HA2, and emerging masterplan for the wider site, was based on the evidence base at that time. This included reference to the

Fareham Landscape Assessment (**CDG.20**), along with other strategic assessments. At that time, landscape sensitivity determined in the FLA did not form an absolute constraint to development, nor has it continued to do so with other allocations in the current draft Local Plan which are situated both in areas of high landscape sensitivity and within the Strategic Gap.

- 8.17. Importantly in respect of HA2, is the background to the emerging allocation. This was not simply a land parcel which was judged at a strategic level to have capacity or be suitable. masterplan has considerable history (involving a range of relevant stakeholders) in respect of the analysis of constraints, opportunities and how these have evolved to form illustrative proposals. These have responded to environmental considerations, including landscape and visual matters.
- 8.18. The current appeal proposal does not need to reinvent the wheel in terms of the masterplan for the appeal site. It does, however, represent a further iteration of the design process, responding further to environmental constraints and opportunities and presenting a progression of the masterplan which builds further on proposals for mitigation that are intended to minimise potential impacts, but also contribute to good design.
- 8.19. The illustrative proposals also incorporate sufficient detail on key principles that can be adopted to guide design matters going forward.

Landscape and Visual Effects and Mitigation

- 8.20. Consideration of potential landscape and visual effects has been an iterative part of the process, not just for the current appeal proposals but, as outlined above, a part of the long term evolution of the development of proposals for the former HA2 allocation.
- 8.21. Consequently, there is a robust scheme of mitigation embedded in the design of the appeal proposals.
- 8.22. Combined with the physical and visual containment of the appeal site at the local level, potential impacts and effects will be highly localised and limited to a small pocket of the local landscape and a small number of visual receptors.
- 8.23. The mitigation inherent in the appeal proposals will go further and will avoid and minimise potential impacts in respect of landscape character and views/visual amenity and represents a positive approach to design at this strategic level, which will set a strong framework for that approach to be adopted in future detailed design.

Strategic Gap

- 8.24. In respect of the emerging development proposals, i.e. land to the east of Newgate Lane East, both those which are consented and currently subject of this appeal, neither will have implications for the integrity of the Strategic Gap, either more widely in respect of the core Strategic Gap between Stubbington and Fareham, nor at a more local level in the Strategic Gap which maintains the separation and identity of Peel Common.
- 8.25. Considering the wider Strategic Gap up to Stubbington the waste water treatment works and solar installation, along with green infrastructure related to these areas, provide a robust and extensive physical break between the two areas, such that any change at the

level of the appeal site would not be perceptible from the Strategic Gap between Stubbington and Fareham.

- 8.26. Considering the Strategic Gap at a more local level, in respect of Peel Common, Newgate Lane East forms a 'receptor' (by virtue of its role in providing a north/south connection from the edge of Fareham) and also 'a boundary' in the Strategic Gap, as a defining route with both infrastructure and landscape planting along its route.
- 8.27. The route of Newgate Lane East itself represents a logical and robust physical boundary, to the Strategic Gap at the local level. In terms of the wider Strategic Gap, and I consider the more important core part of the gap which separates Fareham and Stubbington, the appeal site has no role in the function of that gap and the appeal proposals will have no impact upon it.

Summary

- 8.28. Overall I consider that the adverse landscape and visual effects are limited overall to a highly localised area which generally does not extend beyond the boundary of the appeal site due to the physical containment of the appeal site and limited extent of potential visual receptors.
- 8.29. The appeal proposals represent a well considered approach to design which recognise key landscape characteristics and responds to these positively.
- 8.30. Consequently, mitigation that is embedded within the appeal proposals will successfully minimise adverse landscape and visual effects.
- 8.31. Given the context of the appeal site (including emerging development to the south) and the approach to mitigation incorporated into the appeal proposals, I also consider that the impact on the Strategic Gap would be limited. In respect of the wider gap, between Fareham and Stubbington, there would be no impact on the integrity of the Strategic Gap; at a localised level, mitigation on the western extent of the appeal site, along with the physical boundary of Newgate Lane East will ensure that separation is maintained to Peel Common, and the integrity of the Strategic Gap at this local level will be maintained.



Appendices.



Appendix A

**Submitted Landscape and Visual Impact Assessment,
Pegasus Group (January 2022)**



Figures.



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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