

Landscape and Visual Proof of Evidence

Land To The East of Tilstock Road, Tilstock, Shropshire.

On behalf of Boningale Developments Ltd.

Date: 16/09/2025 | Pegasus Ref: P24-1425

PINS Ref: APP/L3245/W/25/3362414 | LPA Ref: 24/O4176/FUL

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
Final	16.09.25	NF	NF	



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1. Introduction

Witness Background

- 1.1. My name is Neil Robert Furber and I am a Senior Director at Pegasus Group. I hold a Bachelor of Science (Dual Hons) in Landscape Design and Plant Science from Sheffield University (1992–1995) and a Postgraduate Diploma in Landscape Architecture from Cheltenham and Gloucester College of Higher Education (1997). I became a Chartered Landscape Architect of the Landscape Institute in 2002.
- 1.2. I have over 25 years' continuous experience as a Landscape Architect working on a wide variety of projects across all the major development sectors, including extensive experience of the landscape design and assessment of many consented residential developments. These developments have been at varying scales and includes the South Worcester Sustainable Urban Extension, the Ashford Barracks redevelopment in Kent, and many smaller schemes on greenfield sites at the edge of villages across England and Wales . I'm currently leading the landscape assessment and design of several residential schemes across Shropshire and South Staffordshire that are in the planning system and awaiting determination.
- 1.3. I have acted as a landscape expert witness on many occasions for both developer and Local Planning Authority clients since 2002. Until recently, I was a Supervisor employed by the Landscape Institute for 8 years, where I assessed the submission of candidates and their mentors seeking to become Chartered Landscape Architects. I have also had inputs at the consultation stage of a number technical guidance notes issued by the Landscape Institute.
- 1.4. The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I also confirm that the opinions expressed are my true and professional opinions.

Scope of Evidence and Background to Inquiry

- 1.5. My proof of evidence has been prepared on behalf of Boningale Developments Limited (the "**Appellant**"). My evidence considers landscape matters relating to the appeal against the non-determination of planning permission for:

“Residential development of 70 dwellings including access, open space, landscaping and associated works.” (the “appeal scheme /scheme”).

- 1.6. Pegasus were instructed by Boningale Homes Limited, a sister company of Boningale Developments Ltd in June 2024 to prepare the landscape design and assessment submission for the application, and were subsequently appointed to prepare this proof of evidence and appear at the Public Inquiry.
- 1.7. I was involved in the preparation of the submitted Landscape and Visual impact Assessment (“LVIA” CD 10.1) with a colleague who is a Chartered Landscape Architect, and we both visited the Site and surrounding area together. The LVIA was undertaken in accordance with best practice guidance, and describes the surrounding landscape context and appraise the effects of the scheme upon it.
- 1.8. Pegasus Group engaged with Shropshire District Council (the “**Council**”) Officers, statutory and non-statutory consultees, the local community, local ward members and the Parish Council on the design of the scheme as explained in the Statement of Community Involvement (“**SoCI**” CD 5.4).
- 1.9. The planning application was validated on 31st August 2024.
- 1.10. Very minor changes were made to the layout and landscape scheme to reflect some of the comments made by the Tree Officer (CD 9.4). The changes are summarised below, with the revised landscape scheme contained at CD 10.8, CD 10.9 and CD 10.11.
 - Rear garden plots 67, 68, and 69 were increased in depth to reflect concerns regarding overhanging offsite Oak Trees (T2 and T3 in the Arboriculture Report CD 9.4.) that could potentially impact future residents enjoyment of their gardens. A photographic record of the trees is contained in the LVIA (CD 10.1) where they are visible in the far right of Site photograph C;
 - A root barrier specification was applied to selected trees to respond to concerns of the proximity of some of the trees to hard surfacing i.e. potential without root barrier mitigation for tree roots to damage these hard surfaces; and
 - Removal of evergreen tress (large shrubs) Ligustrum japonicum in the front garden of plot 67 and between plots 68 and 69 to avoid potential shading issues.

- 1.11. Putative reasons for refusal are set out in the Council's Statement of Case, with reason for refusal No.1, being relevant to landscape and visual matters, with my emphasis underlined..

"The proposed development is of such a scale that is disproportionate to the existing built form, rural character and appearance, and available services and facilities of Tilstock; and is inappropriately located so as to not respect the rural street pattern and urban grain, will adversely impact upon the settlements rural function, character and vitality, and result in encroachment to the open countryside, contrary to adopted Policies CS1, CS4, CS5, CS6, MD1, MD2 and MD7a, and NPPF paras 82, 83 and 135 (a)(c)(d)(e)(f)."

- 1.12. Design matters are covered in the evidence of my colleague Mr Colin Pullan.
- 1.13. My evidence sets out the landscape design merits of the scheme and provides reasoned justification as to why I consider that the landscape elements of the scheme would deliver a well-designed place, compliant with relevant design related policies and guidance.
- 1.14. My evidence also addresses the review of the submitted LVIA (CD 10.1), undertaken by ESP Ltd on behalf of the Council (CD 16.1), and explains why I consider that no further information was required in order for the Council to make a decision on the degree of landscape and visual effects that would result from the Proposed Development.
- 1.15. My evidence provides reasoned justification as to why I assess, in accordance with best practice guidance, that the Proposed Development would have very localised effects upon landscape character and visual amenity. Consequently, and in light of the notable landscape enhancement measures proposed, I consider that the scheme would be compliant with relevant national and local planning policies and guidance that seeks to protect and enhance the natural environment. I set out my assessment of the scheme against these policies, leaving it to others to accord weight to those conclusions in the planning balance.
- 1.16. The Case Officer has confirmed that the Council agree with the assessment conclusions contained in the Landscape and Visual Assessment (CD 10.1) and a signed Landscape Statement of Common Ground will be submitted.
- 1.17. The separate planning proof of Ms Megan Wilson deals with matters related to need, the development plan and the planning balance.

2. Development Proposals

Introduction

- 2.1. A description of the Appeal Site ("Appeal Site / Site") and scheme is set out in the Appellant's Statement of Case ("SoC" CD 4.1) and Design and Access Statement ("DAS" 5.5).
- 2.2. The scheme seeks full permission for the development of 70 dwellings adjoining the village, including short terraces, detached and semi-detached houses and bungalows of mixed tenure within a well contained site, accessible to Tilstock.
- 2.3. The proof of evidence of my colleague Mr Colin Pullan covers the existing built context and describes how the proposed development is considered to represent an appropriate extension to the village in terms of location, pattern, grain and density. A landscape-led approach to the site layout was adopted which allowed for green infrastructure corridors throughout the development
- 2.4. As described by the DAS (CD 5.5) the scheme demonstrates a positive approach to place-making including areas of open space and planting creating green corridors through the development that retain and reinforce features of the local landscape and create attractive spaces framed by dwellings.
- 2.5. The following paragraphs summarise the design response to the landscape context with reference to the revised Landscape Masterplan (CD 10.8) and revised detailed hard and soft landscape proposal sheets 1-4 (CD 10.9), and revised detailed soft on-plot landscape proposals (CD 10.11).
- 2.6. The principles of planting strategy are set out in the DAS (CD 5.5) at paragraphs 5.36-5.42, the drainage and landscape proposals at 5.43 to 5.45 and the play strategy at 5.46 to 5.49. The following description but provides further information, including the depth of new planting, the species and stock sizes proposed in order to demonstrate how these have been carefully designed to reflect the local context and integration with retained planting.

Landscape Design at Perimeter of the Site

- 2.7. The northern Site boundary currently comprises a mature hedgerow with several mature trees, consistent with the adjacent field boundaries. A circa 5m wide belt of native woodland

planting is proposed along the majority of the northern boundary apart from a short section where two mature Oak trees to the north of the site boundary would be retained. The proposed planting would comprise a mixture of 'whips' (60–80cm tall at time of planting) with some standard and selected standard trees up to 3.5m tall at time of planting to provide initial impact. On the inside of the woodland planting and facing the development there would be swathes of native shrub planting with extra heavy standard trees (the majority of species used being 4–4.5m tall at time of planting). The overall depth of the woodland planting combined with the additional native shrub and tree planting, adoption of a proportion of advanced nursery stock, and the incorporation of evergreen species (i.e., holly as an understorey and pine trees), would reinforce the retained hedgerow and provide a substantial planted edge to the proposed development, appropriate to the countryside context.

- 2.8. The eastern boundary of the Site would be planted with a 10 metre wide belt of native woodland planting with the planting composition replicating the approach in terms of species and stock sizes to the northern boundary described above. On the inside of the woodland planting the landscape corridor adjacent to the shared surface and footpath link would incorporate a swale planted with wet meadow grassland. The planting surrounding the swale would comprise a flowering wildflower lawn, and a number of standard trees at informal spacing to provide biodiversity and amenity benefits.
- 2.9. The northern section of the western boundary of the Site adjacent to Tilstock Road is defined by a field boundary hedgerow and group of trees around a pond. These features would be retained and reinforced with a 5 metre wide native woodland belt, with swathes of native shrub planting and specimen trees between the woodland and new development edge. Further south, along the western boundary, where users of Tilstock Road become increasingly aware of the existing built development in the village the existing hedgerow would be maintained and reinforced with specimen tree planting and understory shrubs. A section of low quality hedgerow would be removed to accommodate the new site access and associated visibility splays. A new species rich hedgerow would be planted behind the visibility splays either side of the junction. The entrance to the Site would be subtly sign posted with feature standard pear trees with swathes of spring bulb planting in grass.
- 2.10. The southern boundary is currently bordered by off-site groups of trees and hedgerows that would be retained. The open space at the southeast corner of the site would accommodate

an attenuation pond that has been designed to include an area of permanent water with marginal flowering plants for amenity and biodiversity benefits. The majority of the basin would be seasonally wet after periods of high rainfall, and consequently would be planted with species rich meadow grassland adapted to wet/damp conditions. For public safety the open space including the attenuation basin would be fenced with railings but the planting including native shrub planting trees and spring bulb drifts would be appreciated from the adjoining footways including the main pedestrian route into the proposed development.

Landscape Design of Internal Green Corridors

- 2.11. Streets would be tree lined to comply with the NPPF, and species include a cultivar of the native field maple which has a compact crown and is ultimately a medium sized tree. Tree planting along streets closer to dwellings has been specified as a smaller flowering species (*Amelanchier*) with pear also specified.
- 2.12. Swales along the primary street would be planted with wet meadow grassland and surrounded by flowering lawn.
- 2.13. The new planting to the perimeter of the Site is described above, noting that I consider that appropriate separation between trees and new dwellings has been adopted. Short mown grass verges , and in places flowering lawn would be located adjacent to shared surfaces, with swathes of spring bulb planting at junctions between footways and shared surfaces where people would naturally pause.

Community Orchard

- 2.14. The tree species include apple, pear and plum cultivars, backed by a native hedgerow. Underplanting is specified as a flowering lawn and spring bulb swathes. The orchard would be accessible on the main pedestrian route into the development.

Play Area

- 2.15. A Locally Equipped Area for Play (LEAP) is located at the south-eastern corner of the public open space and would be accessible to the new resident's and also the existing community via a footpath link. The landscape setting affords a buffer of at least 20m minimum between the activity zone and the closest habitable rooms of the dwellings to the north that also provide surveillance. In accordance with the Fields in Trust guidance, the LEAP is well within

five minutes' walking time (400m walking) of the proposed dwellings. A smaller Local Area for Play (LAP) is located within the central green.

- 2.16. The green space that contains the attenuation area includes a smaller permanent water body and the whole space is contained by bow top fencing and hedgerows that would provide a safety barrier to stop younger children or vulnerable people accidentally accessing this area.

3. Landscape Effects

Introduction

- 3.1. Section 4 and 5 of the LVIA (CD 10.1) sets out the assessment of effects upon Landscape elements and landscape character. The following section draws out the key conclusions of that assessment, providing further detail where necessary in light of the ESP Ltd Review (CD 16.1) that is responded to in full at Section 5 of my evidence.
- 3.2. GLVIA3 at paragraph 5.1 states:

“An assessment of landscape effects deals with the effects of change and development on landscape as a resource. The concern here is with how the proposal will affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character.”

Baseline

- 3.3. The site lies on the northern edge of the village of Tilstock and has no public access. The site's landcover comprises pastoral farmland currently grazed by horses, with some native hedgerows and a small number of hedgerow trees along the northern, western, and southern Site boundary.
- 3.4. The village of Tilstock adjoining the Site to the south includes recently constructed properties along Crabmill Meadow. The Tilstock Bradbury Village Hall and car park lie adjacent to the southeastern corner of the site. As described in the Pegasus Design Hearing Statement the surrounding housing is unremarkable and does not have any particularly distinctive features.
- 3.5. The B5476 Tilstock Road runs adjacent to the western boundary with some residential properties along the road adjacent to the southwestern section of the site.
- 3.6. The eastern site boundary is currently open, and the field that extends to the east is grazed by horses. There are frequent field ponds of varying sizes and some scattered mature oak trees in the middle of the field to the east of the Site.
- 3.7. To the immediate north of the Site there are some smaller grazed paddocks associated with the farm at Oakleigh and The Whitney's Farm. The fields to the north of the site have mature

boundary hedgerows which include many hedgerow trees that contribute to the smaller-scale, enclosed landscape.

- 3.8. The levels of tranquillity and the perceptual aspects associated with the site are influenced by the established residential development to the immediate south / southwest of the site, and the movement of vehicles along the B5476 Tilstock Road.
- 3.9. The LVIA (CD 10.1) at Section 5, sets out the context of the Appeal Site in relation its location within the 'Shropshire, Cheshire and Staffordshire Plain' National Landscape Character Area, and the 'Settled Pastoral Farmlands' Landscape Character Type (LCT), as described in the Shropshire Landscape Typology (2006). The 'Settled Pastoral Farmlands' LCT records how the historical pattern of small to medium sub regular hedged fields have been retained in most places.
- 3.10. The character of the site and local countryside is not of such value that it has warranted a statutory or non-statutory landscape designation, and the landscape has no features that would indicate a 'valued' landscape in the context of paragraph 187(a) of the current National Planning Policy Framework (NPPF) December 2024. For these reasons, I consider that the Site is only of medium value, representing an area of pleasant, but unremarkable settlement edge landscape.

Effects upon Landscape Elements

- 3.11. In terms of landform, the Site is gently sloping, with an approximate 5.5m topographical variation. Only minor changes to site levels are proposed to accommodate the housing, roads and paths, with localised excavation needed for the shallow SUDs basin. Given that the sensitivity of the landform is assessed to be Medium and the magnitude of change Low, I judge the overall effect to be Minor adverse.
- 3.12. Further detail on the existing trees and hedgerows at the perimeter of the Site are set out at paragraphs 4.11 to 4.15 of the LVIA (CD 10.1) with reference to the Arboricultural Survey (CD 9.4). In summary trees are assessed to be high sensitivity and hedgerows medium sensitivity.
- 3.13. All trees and hedgerows would be retained apart from a section of low quality hedgerow associated with the new access, however as mitigation, new sections of species rich native hedgerow would be planted behind the visibility splay of the access. The initial hedgerow loss is assessed to be Negligible.

- 3.14. The increase in tree cover proposed as part of the mitigation planting would represent a low magnitude of change and a moderate beneficial effect, when established. New hedgerow sections proposed would result in a low magnitude of change and a minor beneficial effect, once the planting has established.

Landscape Character Effects

- 3.15. Approximately 35% of the site would be dedicated to public open space including green infrastructure elements, with the remaining 65% of the site comprising new dwellings including private gardens and the access road.
- 3.16. The magnitude of change within the Site, changing from open field to housing, albeit within a well-considered, landscape-led site layout that would allow notable green infrastructure enhancement would be Medium. This magnitude is combined with the Medium sensitivity established as part of the baseline analysis (see paragraphs 5.13 to 5.19 of the LVIA CD 10.1), resulting in a Moderate adverse effect on landscape character at a site level, that would be permanent.
- 3.17. The assessment conclusion reached is comparable with many housing developments that have been granted planning permission on greenfield sites. Of greater relevance is the particular context of the appeal site and the landscape led design of the Proposed Development that has carefully reflected the surrounding landscape and townscape context, including appropriate mitigation measures. Further details are set out in Section 2 of my evidence and also in the Design proof of evidence of my colleague Mr Colin Pullan.
- 3.18. In terms of indirect effects upon landscape character of the wider countryside, beyond the Site and its immediate vicinity, the Proposed Development would appear well contained by existing hedgerows and trees to the north and west, and a new woodland belt to the east. The key characteristics of the wider countryside context would not be altered, and there would be no change to any of the listed key characteristics of the 'Settled Pastoral Farmlands' Landscape Character Type.
- 3.19. The opportunity to perceive indirect effects upon landscape character from lighting or increased traffic movements would be Negligible in the context of the existing settlement and Tilstock Road. The growth of perimeter mitigation planting would, over time, further reduce the perception of the Proposed Development, from relatively few locations in the

surrounding countryside, and these changes are assessed in the following visual amenity section of the Statement with respect to Tilstock Road and Public Footpath 28/1 where they lie outside the current settlement limit.

4. Visual Effects

Introduction

- 4.1. Section 6 of the LVIA (CD 10.1) sets out the assessment from the key visual receptors. The following section of my evidence draws out the key conclusions of that assessment, providing further detail where necessary in light of the ESP Ltd Review (CD 16.1) that is covered in more detail at Section 5.

Settlement of Tilstock

- 4.2. The assessment in the submitted LVIA focuses on public locations within the settlement where the proposals would be visible, in accordance with latest best practice guidance in LITGN-2023-01 (CD 10.16) which states at page 15:

"An LVIA should consider views from local communities focusing on the way that a community currently experiences views from public locations such as streets and open spaces and how those will change. Views from houses and individual properties are a matter of private amenity, noting that it is an established planning principle that there is no right to a view..."

- 4.3. Notwithstanding the above guidance from the Landscape Institute, in the context of this appeal, matters related to private views have been raised in the ESP Ltd Review (CD 16.1). As set out in Mr Colin Pullan's evidence, the design of the Proposed Development has ensured that there would be appropriate separation between existing properties and the new dwellings to maintain privacy of all residents.
- 4.4. The likely private views experienced by residents can be informed by standing on the slightly raised land within the centre of the Site and looking outwards towards the village edge (See Site photograph A-D in the LVIA CD 10.1).
- 4.5. It is acknowledged that any screening of proposed buildings provided by individual trees in summer would be reduced to partial filtering in the winter months when not in leaf, however from past experience on similar sites, mature tree belts and hedgerows would typically continue to provide a good screening function.

- 4.6. As recorded on Site photograph A (CD 10.1), clear views from new dwellings on Crabmill Meadow would be typically very limited from any main living space at ground floor level due to property orientation, closeboard fencing to garden boundaries and mature hedges and tree belts along the site boundary. Any potential views at Year 1 would be reduced over time by the growth of proposed mitigation planting along the southern site boundary.
- 4.7. Views from other properties within Tilstock are more distant and comprise occasional oblique views from upper floor windows, assumed not to be main living space (see Photographs A-D in LVIA CD 10.1).
- 4.8. Views from the public footpath beyond the current built-up edge of the settlement are covered separately below.
- 4.9. Views towards the Site from much of the village are restricted by the built form immediately adjacent to the Site, ribbon development along Tilstock Lane and trees along the southern boundary of the Site (see Viewpoint 3). There would be occasional, partially restricted views of the upper storeys of new residential development from the pavement along Tilstock Road to the immediate southwest (Viewpoints 4 and 5), and some glimpsed views through gaps in built form from Crabmill Meadow, the village hall car park and the school playing field off Tilstock Lane (close to Viewpoint 3).
- 4.10. At Year 1 following construction there would be occasional, partially restricted views of new residential development from the aforementioned locations, however the new built development would only be partially visible and seen in the context of much closer existing residential development of a similar height and scale. In addition, the ground level of the site would not be visible, being screened by established built development and retained planting at the perimeter of the Site.
- 4.11. The magnitude of change at Year 1 following construction is assessed as medium upon these transient views from the settlement edge that are of medium sensitivity. The overall effect would be Moderate adverse.
- 4.12. By Year 15, the growth of mitigation shrub and tree planting around the site perimeter, most notably along the southeast edge of the site boundary, bordering the open space, would reduce visibility of the new development and help integrate the development into the

existing village. Consequently the long term magnitude of change is assessed to be Low and the overall effect Minor adverse.

Public Footpath 28/1

- 4.13. Public Rights of Way are generally a common occurrence at the edge of settlements. At the Appeal Site there is a single route to the east and southeast of the Site (Public Footpath 28/1). This route is assumed to have value to the local community, but is not promoted as part of any regional or national recreational walk.
- 4.14. Figure 2 of the LVIA illustrates the context of the 28/1 footpath route and other public access opportunities to the countryside that are afforded by a notable network of public rights of way to the south and west of the settlement (Routes 26/1, 26/2, 27/3, 27/2, 51/1, 39/1, 33/1, 29/2, 29/1 and 30/1). Apart from Public Footpath 28/1, no views of the Proposed Development are predicted from these routes.
- 4.15. Footpath 28/1 starts within the built up edge of the village on Tilstock Lane and is a surfaced route enclosed by property boundaries to the east and the security fence surrounding the school playing fields (see Viewpoint 3 – LVIA CD 10.1). The route at the edge of the village (Viewpoint 1) crosses open farmland where views back towards the site within the context of the built up village are available (see Viewpoint 2), noting that views of the wider countryside in the direction of the Site are limited by planting along Tilstock Lane. The predominant views of the Proposed Development would be available for walkers heading in a westerly direction *towards* the village for approximately 350m of the route within a single field contiguous with the Site. Within this field, existing residential properties to the south along Tilstock Lane form part of the wider panorama, and views of farm buildings and the wider countryside north of the Site would be maintained with the Proposed Development in place.
- 4.16. The sensitivity of users of the public footpath are assessed as High. There would be a Medium magnitude of change at Year 1 from the introduction of new residential development in the view, contained to the south by existing development on the edge of Tilstock and to the north of the Site by a mature hedgerow with trees. The overall effect would be Major from this localised section of the public footpath route, recognising that the effect primarily occurs from new built form being visible on a field where previously no built development existed. For this reason, a Medium magnitude and Major effect would be likely even with a housing development half the size of the proposals. GLVIA3 best practice guidance, emphasises the

importance of iterative design and the reduction of adverse impacts through appropriate mitigation measures.

- 4.17. Mr Pullan in his evidence considers that the design of the scheme in terms of height, massing, density and materials would be appropriate to the context. In addition, I consider that the introduction of the Proposed Development on this Site, which is of ordinary countryside character, would not materially restrict views of the wider countryside because the planting along the western boundary adjacent to Tilstock Road, already provides a notable degree of containment (see Viewpoint 3).
- 4.18. By Year 15, the growth of a 10m wide woodland belt along the eastern boundary of the Site would largely fully screen the new development, resulting in a Low magnitude of change and a Moderate adverse effect.

Tilstock Road B5476

- 4.19. Users of the B5476 Tilstock Road within the settlement and travelling north, have very limited views of the Site due to screening by surrounding planting and residential properties, with a narrow part of the southwestern end of the Site visible, noting the ground level of the Site is screened by a tall roadside hedgerow (see Viewpoints 4 and 5 – LVIA CD 10.1).
- 4.20. Approaching Tilstock from the north views of the Site are restricted by the sinuous nature of the route and mature field boundary hedgerows including the northern boundary of the Site and the well hedged nature of Tilstock Road itself that has very narrow grass verges and no pedestrian access (see Viewpoint 7 and 6).
- 4.21. Proposed built development would be set back into the Site behind a landscaped zone on both the northern and western boundaries that would be free of built development. Some fleeting and localised glimpses of the upper storeys and roofscape of new built development is predicted in places at Year 1 following construction, however over time this would be typically screened by the growth of woodland planting along the site boundary.
- 4.22. The principal change to views along Tilstock Road would be associated with the new site access, where a section of existing low quality hedgerow would be removed to accommodate the access road and associated visibility splay (a hedgerow would be replanted behind the visibility splays as a mitigation measure). The views of the new access road and housing would be perceived relatively close to the existing built up edge of the village, however the

views would be very fleeting in nature given the sinuous nature of the route, and the hedgerow retained along the majority of the western Site boundary.

- 4.23. At Year 1 following construction there would be a localised Medium magnitude of change experienced by a Medium sensitivity receptor, that would result in a Moderate adverse effect for a short section of the route close to the existing village edge. By Year 15, the magnitude of change would reduce to a Low level with a Minor adverse effect following the establishment of the replacement hedgerow planting behind the visibility splays of the access road. In addition, the growth of the belt of woodland, native shrub planting and standard tree planting along the western site boundary would limit visibility of the built development and provide an appropriate transition between the new settlement edge and the wider countryside.

5. Response to ESP review

5.1. A review of the Pegasus LVIA by ESP Ltd on behalf of Shropshire Council (CD 16.1) did not challenge the LVIA assessment results. The conclusions of the ESP Review were:

- 1) *The assessment methodology generally reflects the recommendations of GLVIA3;*
- 2) *The baseline conditions and the proposed development are clearly described;*
- 3) *Map based supporting figures are clear and cross-referenced within the text, and photography has been presented in line with best practice guidance; and*
- 4) *The predicted effects are generally what one would expect for a development of this scale, which show that it represents a substantial change to the site itself, and the views experienced by the closest receptors, but these effects are localised and diminish with distance as the built form is screened by vegetation, landform and buildings. These effects are also partially mitigated over time as soft landscaping matures."*

5.2. The ESP review (CD 16.1) also concluded that the LVIA is 'not adequate at present and should be expanded' as outlined in Table 1 below, with my response to these requests recorded in the 2nd column of the table.

Table 1: Requests from ESP Review and Neil Furber's Response

ESP Review request	Neil Furber Response
Assessment of construction and completion [Year 1 and Year 15 to be consistent with visual effects] for the landscape receptors.	I consider that landscape effects should not all be covered in the same way as visual effects because the growth of planting (being the principal difference between Year 1 and Year 15) has less relevance for some landscape receptors. It is stated in GLVIA3 at paragraph 4.3 that: <i>Where planting is intended to provide a visual screen for the development it may be appropriate to assess the effects for different seasons and periods of time ... in order to demonstrate the contribution to reducing the adverse effects of the scheme at different stages.</i>

ESP Review request	Neil Furber Response
	In terms of landscape effects I note that: 1) Topography effects would be the same at Year 1 and Year 15 as nothing would change between these periods (see LVIA paragraph 4.10). 2) The effects of localised hedgerow loss are essentially assessed at year 1 (paragraph 4.16) and the addition of new hedgerow and tree planting once matured (LVIA paragraphs 4.18–4.20). 3) Landscape character effects on the Site itself are assessed as Moderate adverse (LVIA paragraph 5.23). The assessment of landscape character change at a site level is similar between Year 1 and Year 15 because the presence of housing and associated roads and hardstanding would remain unchanged. The growth of planting would reduce the visual impact (as acknowledged in the visual assessment section) however the change in character to the Site would not materially change. 4) Landscape character effects on the wider countryside are assessed at LVIA paragraph 5.26 and the separate assessment of visual effects acknowledged: <i>"...the key characteristics of wider landscape context would not be altered as a result of the development. Beyond the site, there would be no change to any of the listed key characteristics of the LCA, and opportunity to perceive indirect perceptual effects upon landscape character from lighting or increased traffic movements would be Negligible. The effects upon visual amenity and longer-range views are set out in the following section 6 of the LVIA below."</i>
Review the assessment of the sensitivity of	It is stated at Section 6.5 of the LVIA: <i>"Residential views have been assessed as part of the settlement edge where public access is available,</i>

ESP Review request	Neil Furber Response
'Settlement and Places of Interest' in Tilstock to take account of potential residential receptors.	<i>however an individual assessment of the impact upon the views of all individual scattered dwellings with potential views of the proposed development does not form part of the scope of this assessment. It should be noted that it is an established planning principle that there is 'no private right to a view', and consequently if suitable privacy distances between existing properties and proposed development are maintained, any private views of new built development should not be a valid consideration in the determination of the planning application."</i> I note that the difference between public and private views is clarified in LITGN-2023-01 (CD 10.16) which states at page 15: <i>"An LVIA should consider views from local communities focusing on the way that a community currently experiences views from public locations such as streets and open spaces and how those will change. Views from houses and individual properties are a matter of private amenity, noting that it is an established planning principle that there is no right to a view..."</i> <i>Where required, a residential visual amenity assessment (RVAA) should consider effects on private amenity for people in their homes and gardens in more detail (as set out in TGN 02/2019 Residential Visual Amenity Assessment (RVAA))"</i> With reference to the Proposed Development, Mr Pullan concludes that appropriate privacy distances between new and existing properties have been maintained, noting that recently constructed properties adjoining the eastern end of the southern boundary of the Site would be orientated gable end onto the Site and the area to the north within the Site would accommodate open space, landscape planting and the attenuation basin. Dwellings further to the west adjoining the southern boundary of the Site would have views screened by a belt of mature off-site tree planting. No residential visual amenity assessment is required to

ESP Review request	Neil Furber Response
	inform the decision making with regard to visual amenity matters and this should have been apparent to ESP Ltd when they undertook the site appraisal. Site photos A-D in the LVIA (CD 10.1) illustrate the visual relationship with the surrounding village edge including private dwellings.
Provide a 'bare earth' ZTV in line with Section 6.8 of GLVIA3.	I consider that GLVIA3 when read as a whole does not insist on bare-earth ZTVs. GLVIA3 highlights at paragraph 6.10 some of the difficulties in incorporating other landscape components that influence visibility. It is important to note that the Screened ZTV included in the LVIA only includes blocks of woodland and buildings from OS datasets as visual barriers. Unlike forestry, hedgerows, fences or other landscape features of variable height and permanence it is considered that the addition of woodland blocks and buildings to a ZTV assists in identifying the potential locations where views of a proposal could be available. Given that ESP Ltd found the seven viewpoint locations and visual receptors appropriate, we do not agree that a 'bare earth' ZTV would provide any additional information on potential views or receptors to be included in the assessment. A ZTV is not used to judge the magnitude of change and the level of effect on the individual receptors scoped into an assessment.
Revise the assessment to include visual effects at construction stage.	As stated at paragraph 1.6 of the LVIA: <i>"This LVIA assesses the operational stage of the proposed development only, as the construction stage is short and temporary in duration. The effects are therefore assessed at Year 1, immediately post-completion, and at Year 15 to consider the proposed mitigation and enhancement measures."</i>

ESP Review request	Neil Furber Response
	I consider that direct construction impacts would be confined to the Site itself, and construction vehicles would utilise the new access off Tilstock Road. Effects on the surrounding visual receptors would be minimised by the adoption of a Construction Environmental Management Plan, secured by a standard planning condition. There are no particular site specific landscape and visual considerations that are relevant to this Site that would require bespoke mitigation solutions or could influence the decision making as to the appropriateness or otherwise of the development proposed, in landscape and visual terms.
Any mitigation for additional adverse landscape or visual effects identified is incorporated into the landscape strategy – to help ensure that the proposals comply with Local Plan policies CS6, CS8, CS17, MD2 and MD12.	The landscape led approach to the development is described in detail at Part 3 of the LVIA and within the Design and Access Statement. Paragraph 3.4 of the LVIA describes the mitigation strategy and starts by stating: <i>"The iterative design of the scheme has been landscape-led and considered the opportunities to deliver strategic tree and woodland planting that would minimise the visibility of the built elements of the scheme from the adjacent settlement and wider countryside..."</i>

6. Landscape and Visual Policy Analysis

Introduction

- 6.1. This section summarises the planning policy and guidance relevant to determining the appropriateness of the Proposed Development upon landscape character and amenity. It does not comment on the planning balance that is covered in the separate proof of evidence of Ms Megan Wilson.

National Planning Policy Framework (Framework CD 2.1)

- 6.2. The key paragraphs of the NPPF for landscape and visual considerations are covered at Section 7 of the LVIA (CD 10.1). Whilst the following paragraphs of the NPPF are not quoted under reasons for refusal No. 1, they have relevance when considered in conjunction with development plan policies covering landscape and visual matters:

- I. Paragraph 8: the Proposed Development would comply with the requirement at 8c) to protect and enhance the natural environment by making effective use of land, improving biodiversity and adapting to climate change.
- II. Paragraph 11 b) i): Under the presumption in favour of sustainable development the Appeal Site does not constitute an area of particular importance for protection. and in relation to footnote 7 the land is not designated as Green Belt, Local Green Space, National Landscapes, or a National Park.
- III. Paragraph 135 relates to achieving well-designed places, criterion 'b' requires developments to be **"visually attractive as a result of good architecture, layout and appropriate and effective landscaping"**. Criterion 'c' also sets out to ensure that developments **"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"**.

I consider that the Proposed Development has responded to local landscape character and is sympathetic to local character and the landscape setting of the settlement, noting that the perception of encroachment into the countryside, mention in The Council's reason for refusal 1 would be localised and contained within defensible landscape boundaries. I consider that the built development would be

well related to the existing settlement to the south and the Proposed Development would retain and enhance the field boundary planting to the western and northern perimeter of the Site. The eastern edge of the development would be contained from the wider countryside by a belt of new woodland planting that would connect to the existing hedgerow and tree planting along the northern boundary of the Site.

- IV. Paragraph 136 describes how trees make an ***"important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change."*** It states how ***"new streets [should be] tree-lined"***, and ***'that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible'.***

I consider that the Landscape Masterplan demonstrates that all existing trees would be retained, that tree-lined streets are proposed along the main access road and internal streets, with belts of tree planting along the site boundary and orchard trees within the open space.

Shropshire Council Core Strategy Development Plan Document (Adopted February 2011) (CD 2.2)

- 6.3. The relevant policies to landscape and visual matters were identified at section 7 of the LVIA (CD 10.1). The ESP Review of the LVIA (CD 16.1) considered the key policies as CS6, CS8, CS17, MD2 and MD12 and consequently the analysis is restricted to these policies, where appropriate. It should however also be noted that of these key policies, only policies CS6 and MD2 are quoted by the Council under reason for refusal No. 1.

Policy CS6: Sustainable Design and Development Principles

- 6.4. The policy is quoted in reason for refusal 1, and parts of the policy relevant to landscape and visual considerations state, with my underlined emphasis:

"To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change..."

And ensuring that all development:

- ...Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate;

- Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities.

- Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination..."

6.5. Section 3 of the LVIA (CD 10.1) and pages 44–49 of the DAS (CD 5.5) describe how the landscape led strategy for the proposed development reflects local character and context and would comply with the policy, noting overlaps with the Design Proof of Evidence of Mr Colin Pullan.

6.6. **Policy CS8: Facilities, Services and Infrastructure**, whilst quoted in the ESP Ltd Review (CD 16.1) is not considered relevant to landscape and visual matters, noting that provision of open space, sport and recreation is covered by Policy CS6, set out above.

Policy CS17: Environmental Networks

6.7. The policy is not identified in the reason for refusal No. 1, but contains considerations relevant to landscape and visual matters. It states, with my emphasis underlined, that::

"Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses..."

6.8. Section 3 of the LVIA and pages 44–49 of the DAS describe how the landscape led strategy for the Proposed Development reflects local character and context and I consider that the scheme would comply with the policy.

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015) (CD 2.3)

Policy MD2: Sustainable Design

- 6.9. Policy MD2 is identified in the reason for refusal No. 1 and states (excluding design criteria covered in the separate Design Hearing Statement).

"Further to Policy CS6, for a development proposal to be considered acceptable it is required to

...

2. Contribute to and respect locally distinctive or valued character and existing amenity value by:

.....

Iv. Enhancing, incorporating or recreating natural assets in accordance with MD12."

- 6.10. I consider that the Site is demonstrably ordinary countryside, which currently has no public access and is not particularly distinctive. Nonetheless, all existing trees on and adjoining the Site would be retained and the majority of hedgerow retained with a section of low quality hedgerow removed to accommodate the access replanted with a species rich hedgerow behind the visibility splays.

"3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.

4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Local Flood Risk Management Strategy"

- 6.11. I consider that the landscape design has incorporated sustainable drainage techniques as an integral part of the development, utilising swales, and an attenuation basin with a permanent water element, fringed by marginal planting. The overflow basin would be sown with wet meadow grassland.

"5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor

spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including.

- i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;**
- ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space;**
- iii. where an adverse effect on the integrity of an internationally designated wildlife site due to recreational impacts has been identified, particular consideration will be given to the need for semi-natural open space, using 30sqm per person as a starting point.**
- iv. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity."**

6.12. I consider that the landscape design fully complies with criterion i and ii. Criterion iii does not apply to the Site. In relation to item iv. the need for access to all open space, including maintenance of the SUDs has been carefully considered. Management plans and obligations are typically secured by condition, and a Landscape and Ecological Management Plan has been produced (CD 10.10).

Policy MD12

6.13. Whilst not quoted under the reason for refusal No. 1, parts of the policy are relevant to landscape and visual matters and state:

"In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by:

...2. Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

...v. important woodlands, trees and hedges;

vi. ecological networks

...viii. visual amenity;

ix. landscape character and local distinctiveness...

3. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.

4. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries."

- 6.14. I note that Tilstock and the surrounding area is located within the 'Meres and Mosses Nature Improvement Area'. The focus for the programme is to make better places for nature, people and communities through the improvement and protection of core sites and providing connections through the restoration of wetland habitats.
- 6.15. The Landscape Masterplan and DAS illustrate the sustainable design principles that form an integral part of the development that would both respect existing landscape features and enhance the natural environment. Evidence of this strategy includes the enhancement of the site as a wetland habitat through developing the SuDs strategy to include an area of permanent water, enhanced with marginal planting and wet meadow grassland.

7. Conclusions.

- 7.1. I assess that the Proposed Development would not result in any material changes to landscape elements on or adjacent to the Site, noting that all trees would be retained. The section of low quality hedgerow removed to accommodate the access would be replanted behind the visibility splays.. The Proposed Development includes notable green infrastructure benefits in terms of native woodland planting, wildflower meadow and swales, attenuation pond, public open space provision, and play areas.
- 7.2. The Site is well contained by existing hedgerows and trees to the north and west, and a new woodland belt to the east. I assess that the key characteristics of the wider countryside context would not be altered, and there would be no change to any of the published key characteristics of the 'Settled Pastoral Farmlands' Landscape Character Type in which the Site is located.
- 7.3. I consider that the opportunity to perceive indirect effects upon landscape character from lighting or increased traffic movements would be Negligible in the context of the existing settlement and Tilstock Road.

- 7.4. Views towards the Site from much of the village of Tilstock are restricted by the built form immediately adjacent to the Site, ribbon development along Tilstock Lane and trees along the southern boundary of the Site. There would be some localised adverse effects upon users of a single public footpath to the east of the Site and to fleeting views from a short section of Tilstock Road. These visual effects would be reduced following the growth of mitigation planting.
- 7.5. The review of the Pegasus LVIA by ESP Ltd on behalf of the Council, considered that further information was required. With reference to best practice guidance, and additional contextual analysis, I disagree that any further information was required in order for the Council to make a decision on the likely landscape and visual effects resulting from the Proposed Development.
- 7.6. For the reasons identified above, I assess that the Proposed Development would comply with the relevant national and local landscape policies. By virtue of the baseline context and design approach there would be very localised effects upon both landscape character and visual amenity. This evidence informs my conclusion that the Proposed Development could be satisfactorily accommodated within the landscape.

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

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