

# Rebuttal Proof of Evidence: Landscape and Visual Matters

**James W. Atkin**

In respect of Land West of Berrow Green Road, Martley  
On behalf of Hayfield Homes

Date: 11 November 2024 | Pegasus Ref: P21-2531

LPA Ref: M/23/01711/OUT

Author: JWA





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Illustrative Frontage Proposal



# 1. Introduction

## **Qualifications and experience**

- 1.1. My name is James Atkin. I hold the position of Senior Director (Landscape) in the Lichfield Office of the Pegasus Group. I am also Deputy Head of the Environment service across the wider business.
- 1.2. 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) and I have over 24 years professional experience specialising in the application of landscape and visual assessment.

## **Terms of reference**

- 1.3. Pegasus Group has been instructed by Hayfield Homes (the appellant), to consider landscape and visual matters in relation to the proposed development, West of Berrow Green Road, Martley, Malvern Hills District ('the appeal site').
- 1.4. It relates to an appeal against Malvern Hills District Council's (MHDC) refusal of an outline application for proposed residential development (LPA reference M/23/01711/OUT).
- 1.5. On 30<sup>th</sup> October 2024, the appellant received the Proofs of Evidence (PoE) from MHDC, including from Mr Lewis-Farley on landscape and visual matters.
- 1.6. Having reviewed the evidence of Mr Lewis-Farley, I have identified certain points which require response or clarification by way of rebuttal. Where I do not address a point set out in the evidence of Mr Lewis-Farley, does not indicate that I agree or accept it, as many of these have been addressed in my own main proof of evidence.
- 1.7. 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) (GLVIA3)<sup>1</sup>. The concepts and procedures set out in this guidance have been adopted where appropriate.

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



- 1.8. The professional judgements which are presented in this rebuttal proof of evidence for this appeal (LPA reference M/23/01711/OUT) have been prepared in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

## 2. Landscape and Visual Rebuttal

2.1. On review of the evidence of Mr Lewis-Farley, there are four main areas to address in respect of rebuttal, related to:

- i. Site access and loss of hedgerow frontage;
- ii. The approach to SUDs;
- iii. Requirements for tree lined streets; and
- iv. Purported encroachment onto the adjacent burial ground.

2.2. I consider these in the following sections.

### **i. Site access and purported loss of hedgerow frontage**

2.3. Mr Lewis-Farley makes several references to the loss of the existing hedgerow along the B4197. He is correct in regard to the loss of some hedgerow along the road to accommodate the required visibility splays, however, fails to adequately consider the permanent replacement of the hedgerow, along with the overall gain in hedgerow which will result from the proposed replacement hedgerow and from proposed hedgerow planting in other parts of the site.

2.4. The hedgerow lost will be replaced by new planting on the appeal site and outside of the proposed visibility splays. As described in the submitted LVIA, and my main proof of evidence, this eastern edge of the appeal site includes a landscape buffer, and I consider there to be an adequate amount of space to accommodate the replacement hedgerow.

2.5. The hedgerow design can extend into the appeal site along the junction, contributing to an attractive entrance to the proposed development.

2.6. To illustrate this, I have included an illustrative design vignette showing how the planting could be laid out (**Appendix A** to this rebuttal). Albeit illustrative, this shows that there would be approximately 103m of replacement hedgerow planting along the frontage, to replace that which would be lost.

2.7. The detailed design of the hedgerow is a matter for RMA, however I expect this would include a mixed native species hedgerow, with reference to locally prevalent species. As such, the



proposed hedgerow, once established, has the potential to be more diverse in its species composition than the existing hedgerow.

2.8. At paragraph 51 of his evidence, Mr Lewis-Farley states that *“there is uncertainty as to whether any replacement hedgerow planting undertaken would actually be successful. Its success is not guaranteed”*. However, this statement is unfounded. I have extensive experience of the design, implementation, maintenance and management of native species planting, including hedgerows and woodlands. I have found that, with a basic specification, newly planted hedgerow can be formed in 2-3 years, with full establishment up to 5 years. This can be expedited with the use of larger grown nursery stock. These approaches are commonplace and can be controlled via condition, including requirements for maintenance and management.

2.9. On balance, the short-term loss of hedgerow is a relevant landscape impact to consider, but it is an impact that can be remedied and effectively mitigated, and I consider this should have very limited weight.

#### **ii. Approach to SUDs**

2.10. In paragraph 64 of his evidence, Mr Lewis-Farley refers to the drainage strategy for the proposed development, stating that *“The currently proposed strategy fails to embrace the SuDS ethos, and the benefits SuDS bring to site design/layout, in terms of landscape amenity, place making, streetscape interest and biodiversity opportunities.”*

2.11. This again relates to the outline nature of the application and that proposals at this stage are illustrative. In the Illustrative Masterplan (both original and alternative) there is a strong framework of green infrastructure and open space that can be utilised to accommodate SUDs as part of a detailed design process. There is no suggestion that this cannot be accommodated or would need to affect overall number of dwellings proposed.

2.12. To further demonstrate this, the illustrative design vignette (refer to **Appendix A**) also shows the proposed attenuation basin in the north-eastern part of the appeal site. This takes the format shown on the submitted Illustrative Masterplan, and evolves the design proposal to show how the function of the SUDS basin can be maintained, but can incorporate high quality landscape design.

2.13. I do not intend to stray out of my area of expertise, but have taken advice from the Head of the Technical Department at Hayfield Homes, and they have confirmed that the drainage strategy that is proposed is a SUDS solution, designed in line with the SUDs manual, and that these can be landscaped to provide the other benefits of SUDs,. They have also confirmed that the level of detail provided for the outline application demonstrates that the appeal site can be sustainably drained, to the satisfaction of the Lead Local Flood Authority, and that the detail could be provided at the RM stage (and secured by condition).

### **iii. Requirements for tree lined streets**

2.14. Mr Lewis-Farley raises the matter of 'tree lined streets' suggesting that, based on the illustrative layout, the streets cannot be considered "tree-lined" (paragraph 61) and that "The need to accommodate appropriate tree planting could impact on the site's capacity in terms of the possible quantum of development and therefore viability".

2.15. This is not correct, and it is important to note the application is in outline, and that there is sufficient space and flexibility across the appeal site to incorporate tree planting. In both the submitted Illustrative Landscape Masterplan and the alternative Illustrative Landscape Masterplan show key corridors and streets which

2.16. The submitted DAS (**CD-1.13**) outlines the approach taken to the street hierarchy applied to the illustrative proposals, and this clearly references how tree planting is incorporated within the streets scene and that this is a key principle in the design of new developments.

2.17. This is reflected on the Illustrative Masterplan, within the street scene, but also along the proposed central corridor.

2.18. High quality proposals for the public realm and street scene can be addressed appropriately through the RMA process and I do not accept Mr Lewis-Farley's suggestion that this would affect dwelling numbers and the viability of the proposed development.

### **iv. Encroachment onto the adjacent burial ground**

2.19. At paragraphs 12, 27 and 38 of his evidence, Mr Lewis-Farley suggests that the proposed development would 'encroach' on the adjacent burial ground.

2.20. This is not correct, and all direct physical landscape impacts are limited to the appeal site. There is no encroachment onto the adjacent land parcels, including the burial ground.



- 2.21. Furthermore, there is a clear and distinct degree of separation between the burial ground and the 'development envelope' associated with the proposed development. As described in the submitted LVIA, and in my main proof of evidence, there is a landscape buffer provided on the southern edge of the appeal site, and this will accommodate proposed native scrub and tree planting.
- 2.22. Once established this will provide a good degree physical and visual separation between the residential parcel (which is also pulled back from the southern edge of the appeal site) and the burial ground.

### **3. Summary and Conclusion**

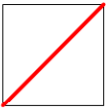


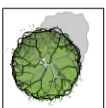
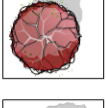
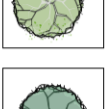
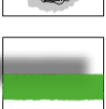
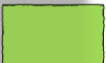






- 3.1. The appellant's evidence on landscape and visual matters, along with the previously submitted landscape and visual impact assessment, sets out a comprehensive and robust position in respect of the potential impacts and effects on the character and appearance of the area.
- 3.2. These acknowledge a degree of landscape and visual impact at the site level, but establish that these are limited and localised and, more importantly, are capable of being mitigated so as to reduce the overall significance of effect. That mitigation forms an inherent part of the proposed development and sets a framework for high quality landscape design to come forward within the proposed development, and in a manner that is consistent with the emerging settlement pattern of Martley and other recently consented development (some of which are in construction).
- 3.3. Having reviewed the evidence from Mr Lewis-Farley, I have seen nothing that causes me to revisit the case on landscape and visual impacts.
- 3.4. The Council's case is very much focussed on 'the site' which, of course, does not exist in isolation and which needs to be considered in context. That context including the emerging settlement pattern which extends beyond the site and presents the site as a logical location for development of the type and nature proposed.
- 3.5. On balance, I consider the site to be a good opportunity for the type of development proposed; landscape and visual impacts will be limited overall.

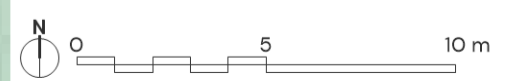


# Appendix A.

Illustrative Frontages Proposal



-  Site Boundary
-  Existing Vegetation to be Retained
-  Existing Vegetation to be Removed
-  Native Tree Planting
-  Large POS Tree Planting
-  Street Tree Planting
-  Water Tolerant Tree Planting
-  Hedgerows
-  Ornamental Shrub Planting
-  Marginal Planting
-  Amenity Grassland
-  Meadow Grassland
-  SuDS
-  Visibility Splay



Land West of Berrow Green Road, Martley – Illustrative Frontages Proposal

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