



Land East of Rayleigh Road, Thundersley, Essex SS7 3UB

Appeal against the decision of Castle Point Borough Council to refuse planning permission for development described as:

Outline planning application for the development of up to 455 new homes, a new multi-use community hall, land for the provision of a healthcare facility, land for a stand-alone early years and childcare nursery, new vehicular/pedestrian access points from Stadium Way in the north and Daws Heath Road in the south, new greenways and green links, multi-functional open space, green infrastructure, surface water attenuation, landscaping and associated infrastructure. All matters reserved except access.

Proof of Evidence on Green Belt, Landscape and Visual Matters

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Executive Summary

- ES 1.0 The illustrative masterplan and the Design and Access Statement (CD 1.2) revealed how the Appeal Site can appropriately accommodate new homes, with associated public open space and green infrastructure. This is all in a location adjacent to or influenced by existing settlement and its associated infrastructure.
- ES 2.0 The Appeal Site and its associated context have been subject to considerable scrutiny, most notably in relation to the evidence base associated with the now withdrawn emerging local plan. This evidence included the Strategic Housing and Economic Land Availability Assessment (SHELAA) (Nov 2018), the Large Sites Capacity Assessment (Dec 2019), the Green Belt Landscape Character Assessment (2010), the Castle Point Green Belt topic paper (Nov 2018), Green Belt review Part 1 and Part 2 (Dec 2018), the Green Belt review Part 2 Addendum (Feb 2021).
- ES 3.0 At the end of this scrutiny the Council allocated the Appeal Site for housing with associated emerging Local Plan Policy H013. This policy is detailed in the DAS (CD 1.2) and within the policy was the requirement to deliver 455 new homes by 2033 with associated Public Open Space, Greenspace and measurable net gain.
- ES 4.0 The Appeal scheme followed a robust design process, from initial assessment through to the illustrative masterplan and associated parameter plans. The result of the EIA screening Opinion was that *'it is unlikely to have such effects on the environment that an EIA should be carried out and an environmental statement submitted'*. Initially to guide the design of the scheme but subsequently to explain the effects of the scheme, an LVIA was prepared by a professional member of the Landscape Institute which accurately recorded effects on the landscape character and views. The effects were limited and localised, the LVIA and its associated methodology were unchallenged by the Officers. Indeed, the Officers report found no landscape and visual grounds for refusal.
- ES 5.0 The landscape and visual assertions by the Council, arrived post the Case Management Call (CMC) and within the Council's Statement of Case.

ES 6.0 Whilst the Appeal Site does lie in the Green Belt the Council found Exceptional Circumstances that enabled the Appeal Site to be allocated in progression associated with the emerging Local Plan.

ES 7.0 In relation to effects upon the Green Belt whilst the Openness is affected spatially, in visual terms site characteristics and positive amelioration/design, limit 'harm' to Openness. Similarly visual and landscape characteristics, both on the Appeal Site and contextually also limit 'harm' to purposes a), b) and c).

ES 8.0 In a heavily constrained borough the Appeal Site successfully avoids most valued and sensitive landscapes, avoids significant change from high value visual receptors, is located within an area that is sustainable and well related to the existing settlement. Through iterative and collaborative design, the Appeal scheme will become the next well assimilated piece of, a natural fit with, the existing settlement.

1.0 Introduction

Personal Qualifications

- 1.1 My name is Andrew Smith. My qualifications include a BSc (Hons) degree and an MSc in Landscape Ecology Design and Management. I am a member of the Landscape Institute and a Chartered Landscape Architect (CMLI).
- 1.2 I have close to 30 years post qualification experience in landscape planning and design. I have prepared landscape and visual impact assessments either as standalone documents or co-ordinated as part of environmental statements, and both the outline and detailed design of a range of residential, commercial, mineral and waste development projects throughout the UK. I sit on both the South Downs National Park and the Design Southeast Design Review Panels. I have stood as an expert witness on Green Belt, landscape and visual matters on numerous occasions.

Instruction

- 1.3 Prior to instruction I reviewed both the Council's and the Appellant's Statement of Case. Since instruction I have reviewed all of the submittal information and in particular the Landscape and Visual Impact Assessment (LVIA) and the Design and Access Statement (DAS). I have visited the Appeal Site and its surroundings and have subsequently examined the relevant plans and documents for this Appeal.
- 1.4 Pursuant to the above I bring my experience to the Inquiry and this evidence is based on my informed judgement and opinion.

Declaration

- 1.5 The evidence which I have prepared and provide for this Appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.

2.0 Scope of Evidence and Matters in Dispute

Scope of my evidence

- 2.1 My proof of evidence is to be read alongside the others produced on behalf of the Appellant, enabling all issues to be understood and to be considered in the planning balance.
- 2.2 Other evidence is provided as follows:

Mr Laim Ryder – Planning

Mr James Donagh – Housing Need

Decision Notice (CD 5.1)

- 2.3 There is a single reason for refusal (28 Feb 2024):

"The proposal represents inappropriate development in the Green Belt as defined in the National Planning Policy Framework. Such development will only be permitted if very special circumstances exist to justify its inappropriateness. No other considerations have been found, either in isolation or in combination, to outweigh the harm to the Green Belt so very special circumstances do not exist and the proposed development is contrary to Government advice as contained in the National Planning Policy Framework."

- 2.4 In respect of the above, the matter that I will address is:

Matter 1: In relation to 'considerations in both isolation and combination cannot be found to enable very special circumstances to exist' the extent to which matters of openness and purposes are affected by the Appeal scheme.

Officers Report (OR)(CD 5.2)

- 2.5 In relation to Green Belt matters the position reached by the Officer's is consistent with their sole reason for refusal and matters are taken forward into the Council's Statement of Case (CD11.2). As stated in the Appellants Statement of Case the harms summarised in the OR are overstated.

- 2.6 In relation to Landscape and Visual matters, in the absence of a landscape officer consultation response, or response from external landscape consultancy services, the case officer has a role in reviewing any associated landscape matters. Indeed, they discounted such matters through their own assessment at Stage 4 of their recent Green Belt Guidance (CD 6.25), at Appendix 1 to the OR (CD 5.2). There are no substantive landscape matters forthcoming within the OR, yet they find their way into the Council's ensuing Statement of Case (CD 11.2).

Council's Statement of Case (CD11.2)

- 2.7 The Council's Statement of Case does not supplement principal comments in respect of Green Belt matters however at its section 5.28 to 5.49 under the heading of '*Other harm - countryside, landscape character and visual impact*', the Council seeks to expand matters in respect of landscape character harm and visual harm.
- 2.8 As a result of this expansion in my evidence I also examine the following matter:
Matter 2: The landscape and visual effects associated with the Appeal Scheme.

CMC Note (CD10.2)

- 2.9 The Inspector's note (10 April 2024) following the CMC records the main issues, relevant to my evidence, as being:
- a) *The effect of the proposal on the openness of the Green Belt.*
 - b) *Whether the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposals.*
- 2.10 The above will be addressed in my commentary on Matter 1.
- 2.11 The Inspector's note does not raise the effect of the proposed development on the character and appearance of the area, including the countryside. However, the response to the Council's expansion of the case into this area is addressed in my commentary on Matter 2.

Statement of Common Ground (CD9.1)

- 2.12 Through negotiations there is an overarching Statement of Common Ground which results in the following relevant agreements:

Green Belt

“In relation to any effect upon Green Belt purposes the parties agree that this is only in relation to purposes a) to c).”

Landscape and Visual

“The parties agree that the Appeal Site does not fall within a valued landscape, within the meaning of paragraph 180a) of the Framework.”

3.0 Context and General Observations

3.1 In this section of my evidence I refer to the Council's evidence base in relation to matters of Green Belt and landscape and associated implications in relation to settlement growth. As such the extent to which:

- a) Matters which would result in rejection of the Appeal Site on Landscape and Visual and Green Belt grounds.
- b) The fact that the Appeal Site was an allocation for development in an emerging local plan found sound by the examining Inspector.

Strategic Housing and Economic Land Availability Assessment (SHELAA) update (November 2018) (CD 6.5)

3.2 I note that in the Council's SHELAA, a document that (its para 1.4):

"Identifies a pool of sites within Castle Point that are suitable, available and achievable, and gives information on what the likely timescales for delivery may be, and the potential capacity of each site."

3.3 The Appeal Site is assessed in Volume 2: Site schedules and as site S0066. The summary is that the Site was:

- a) Size 27.52 ha.
- b) Overall Suitability: medium - mitigation required to ensure suitability.
- c) Achieve ability: achievable now.
- d) Availability: 0 to 5 years.
- e) Capacity: 430.
- f) Current policy designation: Green Belt.
- g) Change of policy required: yes.

3.4 Its 'delivery over time' (Page 26 of Volume 2.0) would be: 80 units 2018 to 2023, 250 units 2023 to 28, 100 units 2028 to 2033.

3.5 In relation to capacity Volume 2, Schedule C shows that the 'capacity determinant' was local plan representations, as were comments on capacity. The resultant capacity was 430.

3.6 In Volume 2, Schedule D suitability details are shown at page 108 but mitigation advised re landscape, as follows:

- a) retention of trees and all TPO trees and their associated RPA.
- b) *"Site is mainly open farmland, compartmentalised by established hedge and tree lined field boundaries and undulating topography. Eastern part of site forms part of ancient landscape area. Need to consider how development integrates into the landscape."*
- c) *"not located on open space. Pre application submission indicates public recreational access to 13 hectares of green space within the site."*

3.7 In Schedules E and F the site is recorded as 'achievable now' and 'available 0 to 5 years' In relation to latter policy constraints are seen as Residential Design Guide and Green Belt. Both matters are responded to later in this proof.

Large Sites Capacity Assessment (Dec 2019 Rev D) (CD 6.6)

3.8 I note that the purpose of this guidance was *"to provide a robust review of the capacity of a small number of key sites which will potentially deliver the significant majority of new housing in the Borough."*

3.9 Pursuant to contextually led analysis the assessment used a *"design led approach specific to the site and considered contextual appropriateness, rather than simply applying a standard density."*

3.10 The Appeal Site is assessed as Site HO13, on pages 48 to 54 of the report. In this location, based on a summary of overall site constraints, the report suggested a net developable area of 50% of the site (14.05ha). In relation to this a gross density calculation based on surrounding built context, landscape sensitivity and other site specific constraints resulted in 30 to 35 dph. As an outcome and with density calculation based on appropriate uniform context influenced appraisal, number of dwellings reported was a range between 420-490. This was reported as being a mix of development of semi-detached, detached a small proportion of terrace and flats and alongside this open space.

3.11 In relation to key constraints they were listed as:

- a) Site adjacent to Local Wildlife Sites.
- b) Retention of the existing reservoir (ornamental lake).
- c) Eastern part of site forms part of 'Ancient Landscape Area'.

- d) Woodland, group and individual TPOs throughout site.
- e) Site located within Green Belt.
- f) Site is 100% greenfield.
- g) The site has areas of low, medium and high flood risk from surface water, primarily surrounding the existing reservoir.
- h) Existing established wildlife corridors.
- i) Key screening to adjacent neighbouring industrial units.
- j) Retention of existing PROW to the northern boundary.

3.12 In relation to Opportunities they were listed as:

- a) Existing vegetation layout to form framework for development plots.
- b) Good connections to local amenities.
- c) Establishment of further access points onto the development site.
- d) Suitable screening to the northern boundary.
- e) Incorporate protected trees into layout.

3.13 In its Appendix 2 the Historic Environment Summary, advocates due regard for Archaeology/ Heritage but sees *“no specific reason for omitting the allocation.”*

Statement of Common Ground (6 May 2021) (CD 6.26)

3.14 In the Statement of Common Ground associated with the EIP it was common ground that:

Para 2.1

“TL Supports the Council's conclusion that sufficient exceptional circumstances exist to justify a review of the Green Belt as required in para 136 of the NPPF. The allocation of the land east of Rayleigh Rd (Policy H013) demonstrates a proper and robust review of Green Belt boundaries with due consideration of the need to promote sustainable patterns of development. The site is largely surrounded by existing Urban Development with easy and short access to existing employment, retail, residential uses and public transport. The assessment is therefore entirely in accordance with the advice contained within paragraph 138 of NPPF and the guidance provided by a series of other Green Belt reviews detailed in the Green Belt topic paper 2018.

TLs own consideration of the contribution under purposes one and two for the whole of the Green Belt parcel 4, concludes a more moderate contribution to that contained in the Green Belt topic paper 2018. Despite the stronger contribution contained in topic paper, TL welcomes and supports the allocation and its justification."

"Landscaping requirements are included within policy HO13 to mitigate landscape harm as recommended in this report CPBC and TLR therefore satisfied that Green Belt evidence supports allocation HO13."

Para 2.7

"The principle of character areas on site is agreed, however the Council and TL agree that the specific detail of those character areas and any design led approach should be developed through the preparation of the master plan."

The Application

- 3.15 At the project specific level the Council did not require an Environmental Statement to accompany the planning application. The formal screening opinion (submitted to CPBC on 16 April 2021). The response is at appendix 2 of the LVIA (CD 1.20) with an abstract of the conclusion, as below:

"From an analysis of the information submitted by the applicant, the Local Planning Authority is of the formal opinion that the proposed development, either independently or cumulatively with the development of other sites, is unlikely to have such significant effects on the environment that an EIA should be carried out and an Environmental Statement submitted. For the above reasons, it is determined that an Environmental Statement is not required for the above development."

- 3.16 Also of note within the screening opinion is paragraph 2 c) viii) and this state that:

"(viii) Landscapes and sites of historical, cultural or archaeological significance.

The proposal site exhibits a significant fall across the site which facilitates good views of local landmarks, as well as good areas of natural vegetation and features of local ecological and historical interest. These aspects of the landscape, whilst attractive, are of insufficient quality to elevate the site to one of national landscape significance, although the features identified are locally important. It is considered that the loss of these features would have an adverse impact on the landscape and whilst consideration of such loss does not, in

the view of the Local Planning Authority necessitate EIA, the retention and/or the mitigation of such impact through the masterplan process is considered essential."

4.0 Character and Appearance

Introduction

- 4.1 In this section the Landscape and Visual Character of the Appeal Site and its context are reported. This enables matters relating to Matter 1 and Matter 2 to be addressed in section 6.0 of this proof.
- 4.2 In relation to Matter 1 and Green Belt issues, assessment of landscape and visual character enables inherent characteristics within Green Belt parcels and contextual Green Belt to be understood and how they influence openness, matters relating to purposes and mitigation, amelioration responses, of parcels both individually and in combination.
- 4.3 Green Belt is a special planning designation, the application of Green Belt policy is not made in respect of any landscape character assessments, or landscape value judgements. It is of note in the Landscape Institute's technical guidance note 02/21 'assessing landscape value outside national designations' when considering the 'functional' factor when assessing landscape value, the following is the case:

"landscape function can influence value but the presence of a special designation (e.g., Green Belt or Green Gap) is not in itself an indicator of high value landscape."

- 4.4 In relation to Matter 2 and landscape and visual effect, the landscape and visual assessment enables the value of the receiving landscape and visual receptors to be understood and also their susceptibility to the proposed change.

Context Appraisal

- 4.5 Rightly the Appeal scheme was informed by a robust landscape and visual baseline assessment of both the Appeal Site and its context. It is important to note the contextual assessment relates the entirety of the adjacent land, be it townscape or landscape. Usefully the European landscape convention (ELC) in article 2 defines landscape in an inclusive manner and states that:

"subject to the provisions contained in article 15, this convention applies to the entire territory of the parties and covers all natural, rural, urban and Peri-urban land, in land water and marine area."

- 4.6 The above is of relevance to the Appeal scheme. Rightly ascertaining the appropriate baseline knowledge, of both the contextual landscape and that of the Appeal Site itself, is the correct approach to designing a scheme up to and through the scheme masterplan and subsequently into more detailed design.
- 4.7 This is reported in detail within the Landscape and Visual Impact Assessment, Leyton Place Ltd. (CD1.20). This is a report commissioned at the commencement of the process, June 2020.
- 4.8 It is an assessment carried out in accordance with Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA 3). It's methodology is clearly defined in para 1.13- 1.38 of the LVIA. The approach is best practice, the industry standard and one that the Council has not sought to challenge.

Baseline Situation

Landscape Character

- 4.9 The baseline is clearly described in section 2.0 of the LVIA. Landscape character is assessed through the typical cascade, National to Borough Scale.
- 4.10 At the regional scale (the Essex Landscape Character Assessment, 2003), the contextual landscape sits within the South Essex Coastal Towns LCA – its overall character described as:
- “..An area of very mixed character, but unified by the overall dominance of Urban Development, with frequent views of an urban skyline. The major towns spread over gently undulating or flatland, but locally extend over prominent ridge lines and hillsides as well. A distinctive steep sided south facing escarpment between Hadley and Basildon retains significant areas of open grassland, as well as a patchwork of small woods, including woods on former plotlands and small pastures. Contrasting flat coastal grazing marches lie to the south. In some parts such as south of Hadleigh, and around Hockley, the urban form is softened by large woodlands and the Roach Valley is largely undeveloped.”*
- 4.11 At this scale the recommendation is that new development should *“include strong new woodland/hedgerow framework, particularly where arable farmland is in poor condition.”*
- 4.12 At the Borough scale the contextual landscape is described within the 2010 Green Belt Landscape Assessment (CBC, 2010). The assessment describes the entirety of the area. However, the Appeal Site sits within the northern part of Area 4, with a rolling landscape with well vegetated field boundaries. The land is primarily arable and there is no lawful public access.

4.13 The LVIA describes the Appeal Site in sections 2.29-2.40. An addition to this reporting is that, whilst the 'central field' that spans the site on a north south axis, might be open you cannot see from north to south due to the rolling topography. The high point in the centre of the field means that the internal visual relationship is truncated.

4.14 The Appeal Site is summarised at paragraph 2.39 as follows:

"generally, the landscape of the site has a distinctly edge of settlement sense of place (Peri-urban). Whilst this diminishes to the east, the visibility of and disturbance generated by the urban infrastructure and associated traffic pervades the area affecting the appreciation and appearance of those more 'countryside' areas, this maintains an urban context to the landscape. The levels of tranquilly are low, in that there is a constant hum of activity and visual disruption from commercial and retail development."

4.15 Opportunities for change are reported at para 2.40 as follows:

"from the analysis of the published material and field observations, are a number of opportunities to enhance the landscape features of the site, incorporating hedgerow restoration and linking green lanes and connecting points of access and enhancing recreation linkages."

Visual Character

4.16 Visual character and views are described in section 2.41 to 2.56 of the report. It is noted at para 2.44 that: *"due to an interaction of the landform, enclosing woodland elements and adjacent built form (in the context of the height parameters), the visual envelope is primarily localised, limited to the site and its immediate context. Distant views are limited to high ground to the North East of the site."*

4.17 The localised nature of the visual relationships is reiterated at para 2.47, *"overall the extent to which the site is visible from the wider area is limited, so that the primary issue is local views."*

4.18 The LVIA reports these local views from the various receptors and the associated limitations with the visual composition summarised in para 2.52 -2.55 as follows:

"2.52 The visual composition is described alongside the representative viewpoints (VP) selected for the purposes of this assessment."

2.53 In general terms views from the north are limited in geographic extent. From the southern edge of Hockley Woods (VP 12 and 13) views are wide ranging, expansive and encapsulate the wooded plateau landscapes in the distance, with settlement nestled within the lower lying valley form. Near views from the north are restricted to the northern boundary of the Site and as such are dominated by the retail and business development giving a highly urban appearance.

2.54 From the east views are entirely dominated by the woodland and are therefore enclosed and intimate.

2.55 From the south and west the composition of the views is mixed, with an urban foreground and glimpsed views of the open agricultural farmland beyond. Views from the properties typically filtered by trees in the domestic gardens."

Evaluation of Sensitivity of Resources and Receptors

- 4.19 This section describes how sensitivity outcomes have been reached, having considered both value and susceptibility.

- 4.20 At the LVIA's para 3.6 it is rightly reported that the Appeal Site does not possess qualities which elevate it above local value, it is not a NPPF 'valued landscape' (NPPF para 180a). This is common ground between the parties.

- 4.21 At para 3.8 the landscape sensitivity of the Appeal Site and its context is described:

"At the lower end of the spectrum (low sensitivity) resources maybe; low valued/undesigned landscapes, with no distinctive or sensitive features, with the potential to accommodate appropriately design development, and where adverse effects can be mitigated for. At the higher end of the range are those highly valued/designated landscapes recognised in policy, may contain landscape features that cannot accommodate development of the type proposed, and where mitigation measures are unable to avoid, compensate or offset the undue consequences which would arise."

- 4.22 The report's table 1 sets out how outcomes have been arrived at. In summary the overall landscape sensitivity is described as follows:

“3.10 Based on the above conclusions the landscape character of the Site and the urban environment to the east the landscape sensitivity is towards the lower end of the spectrum.

3.11 The parkland to the west and New River lies within the middle of the sensitivity spectrum. The scheme will require mitigation to address the relative value and ability to accommodate change.”

Visual Assessment

4.23 The visual receptors are taken through the same robust process. At para 3.14 of the LVIA it is noted that, *“none of the vantage points identified by this assessment are either acknowledged or protected in policy as an important or key view, nor are any views recorded in published material on maps as being of local value or associated with an important landmark.”*

4.24 The visual sensitivity outcomes are reached, as follows:

“3.15 At the lower end of spectrum may be those people engaged in an activity which is not focused on the landscape or context of the person/people, where the views are infrequent, the representative or specific viewpoints are not associated with a valued landscape or asset. At the higher end of the spectrum people are engaged in an activity whereby the focus of the visual experience is directly linked to the landscape context, the views are associated with a valued landscape or important assets/landmarks, and the number or people and frequency of the visual experience is high.”

4.25 The outcomes are detailed in table 3.2 of the LVIA.

Design evolution and mitigation measures

4.26 Rightly with the baseline having been advanced and followed by sensitivity, section 4 of the LVIA describes the Design evolution and mitigation measures to be incorporated into or dismissed during the design process.

4.27 As highlighted in para 4.7 of the LVIA, GLVIA advocates a progressive response to context and an iterative design process. At 4.9 it is reported just how this has occurred for the Appeal scheme.

4.28 From the LVIA's para 4.12 the progressive design journey is reported, commencing with the sharing of constraints, through the assessment of landscape and visual sensitivities, then landscape recommendations and finally into mitigation measures.

Design Approach and the Design and Access Statement (DAS) (CD1.2)

- 4.29 It is very evident within the Design and Access Statement that the baseline work has been pivotal within the masterplan progression.
- 4.30 Chapter 2 of the DAS expands upon baseline assessment and *"outlines the planning background and provides a synopsis of the comprehensive assessment and technical studies carried out to understand the existing site and how it fits in with the wider South Essex area and its immediate surroundings."*
- 4.31 The cascade of policy context, SPD's and other relevant documents are reported pages on pages 12-14. Notably on page 14 the specific policy relating to the Appeal Site's allocation in the, now withdrawn local plan, is listed, Policy H013.
- 4.32 Subsequent pages describe and illustrate strategic context, connectivity and setting, historic context, landscape character (with cross reference to the LVIA), Green Infrastructure, Urban Character and Facilities.
- 4.33 The Appeal Site is assessed in detail on pages 32-37. It is of note that the aerial image on page 33 is somewhat deceptive as it flattens the Appeal Site. It is also not a view that would be observed by any visual receptors. The same point is made at para 4.13 of this proof.
- 4.34 Following a 'model' design process the DAS shows that the Vision was then advanced and summarized as:

"This new neighbourhood will be landscape led and will feature a mosaic of interconnected open spaces that are accessible to all people. A multi-functional network of open space will offer welcoming places for people to come together and connect, as well as space for nature to thrive.

Green corridors will boost biodiversity and draw on the enduring qualities of the area. Growing gardens and community orchards will provide space for productivity.

Close contact with nature will be part of the pleasure of life in this neighbourhood, with a series of beautiful new parks and open spaces characterised by naturalistic planting.

The landscape heritage would inform the layout of the new community, which will reinstate historic tree belts and field boundaries.

It will be rooted in place with excellent connectivity and framed views to ready church and windmill in the distance.

This new community will provide a powerful sense of rootedness and belonging. With its range of houses and tenures, it will become a place to claim as your own and to share."

- 4.35 The DAS subsequently explains the Design Principles that have informed design progression, rightly commencing with natural and historic landscape, subsequently structure and character and then edges and neighbours.
- 4.36 The level of community engagement and its role in the evolution of the masterplan is evidenced at page 46 of the DAS. The iterative approach runs through four options and subsequently, an autumn 2021 masterplan, an autumn 2022 green infrastructure plan and finally the autumn 2022 masterplan.
- 4.37 The illustrative masterplan is shown on page 55 of the DAS and is reproduced below.



4.38 The key elements illustrated within the masterplan are:

- a) The retention of woodland corridors and restoration of hedge lines.
- b) The retention of green lanes.
- c) The multi-use drainage areas.
- d) Views.
- e) The location of the central green.
- f) The Spine Street.
- g) Pedestrian routes.

4.39 The DAS then describes how the Illustrative masterplan facilitates an Active Community, inclusive of a 20-minute neighborhood, active travel and play. It shows how there will be 'essential contact with nature', 'a

connected, productive community', a 'multi-functional green infrastructure strategy' and this is alongside 'multi-functional drainage.'

- 4.40 The DAS then progresses into more detailed design and describes street typologies, character areas (The Gateway, The Ridgeway, The Slopes and The Paddocks), materiality and sustainability.
- 4.41 The character areas explain the response to topography, setting and enclosure and sense of place. They provide clarity of retention, restoration, and creation of landscape character, describe layout pattern, building typologies, parcel structure and legibility and character changes from formality to informality. Particular facets that demonstrate this response are density, building heights and housing typologies. In relation to the former the density for the western character areas ranges from 40-50 dwellings per hectare in The Gateway, 30-40 dwellings per hectare in The Ridgeway and The Slopes and 20 to 30 dwellings per hectare in The Paddocks. Building heights drop from north, north west to south and south east. In the latter location the built form is up to 2 storeys. The resulting housing numbers, 455 sits in the middle of the range advocated in the Councils Site Capacity Assessment (ref to para 3.10 of this proof).
- 4.42 Finally, housing typologies again vary from west to east – the former proposes terraced houses and apartments, the central area a mix of terraced, semi-detached, and detached, the east predominantly detached house and apartments. This is in accordance with the guidance of the Large Sites Capacity Report (ref to para 3.10 of this proof). The layout pattern to the east is described on page 91 of the DAS as follows:

“ the dominant elements within the paddocks are the linear landscape features which enclosed the four quadrants within the area. Within this setting development blocks are generally laid out in small informal groups accessed by small streets and lanes which lead off the spine street.”

The length of these groups varies in response to the size of the individual parcels, the access arrangements and the relationships with adjoining neighbours, whether existing properties or landscape elements. Many of these groups are largely composed of detached houses set within larger plots compared to the remainder of the wider layout. Within these areas parking and servicing are usually on plot and access directly from the adjoining street.”

"The exception to this is the Spine Street. On entry into the site from Daws Heath Road this street is lined with trees and flanked on both sides with buildings laid out to address the junction and create a welcoming sense of arrival."

"On arrival the central hedgerow, the spine St turns West and the hedgerow forms its northern frontage. To the south, built frontage forms the outer face of a gentle curve back northwards into the remainder of the site. Along this frontage, buildings are interspersed with junctions giving access to lanes and small courtyards providing parking and servicing for these properties."

4.43 Under the heading of Formality and Informality the DAS explains that:

"The Paddocks area will have a consistent character which will be informal in approach, responding to its wider setting adjoining Daws Heath Road and the naturalistic landscape adjoining."

4.44 The detail within the Character areas, notably the 'Paddocks' responds to Officer request, that in more sensitive areas, a *"less formal arrangement of larger dwellings, set in a more landscape setting would more strongly reflect the arcadian character sought for this area."* Their advice stated that *"It would be helpful if any diagrammatic representation could be accompanied by a statement setting out the broad distribution of design type across the site – as was discussed, a statement simply identifying the use of an 'arcadian' approach adjacent to the sensitive landscape areas, grading to a more urban approach towards the west and north should suffice at this stage."*

4.45 The level of detail in the DAS also shows considered treatment to both of the site entrances. In relation to access from Stadium Way the plan on page 79 of the DAS shows that development is set well back from the arrival road, that the road is to be tree lined to tie into the retained and enhanced mature tree belts that lie to both its east and west. The curved alignment of the road also results in view from Stadium way being heavily filtered by positive green infrastructure. In relation to the access off Daws Heath Road, once again the arrival road is to be tree lined and the termination of the view is onto retained and enhanced mature field boundary vegetation. This is a carefully considered outcome. The detailed landscape design of both of the arrival spaces will progress at the Reserved Matter Stage.

4.46 This level of detail illustrates a positive acknowledgment of, and response to, the Council's Residential Design guidance. This approach was as advocated by the Officer in pre app advice with the resultant parameter plans being the planning drawings, thus leaving the finer detail for the Reserved Matter Stage.

4.47 The DAS then concludes with the four parameters plans:

- a) Land use and vehicular access (CD 1.6).
- b) Building heights (CD 1.9).
- c) Multi-functional open space. (CD 1.8).
- d) Non-vehicular access (CD 1.7).

4.48 It is noted in the OR on its page 13 that:

"The planning application was aimed at developing proposals which achieve the key principles of the new national design code and associated design guidance with the NPPF. The applicant submitted Design and Access Statement demonstrates how the site has responded to its local and wider context, reflecting key characteristics in the local area."

Landscape Effects

4.49 The magnitude of landscape and visual change associated with the Appeal scheme and its proposed parameter plans, are explained in section 5 of the LVIA and detailed in table 5.1 and 5.2. The associated effects and their significance are explained in section 6.

4.50 The effects and their associated signification are collected in Appendix 5 of the LVIA.

4.51 The significance of effects summary is as follows:

- a) *"The effects do not relate to nationally, regionally, or locally protected landscapes, landscape assets and views. The landscape effects are highly localised and are associated with resources of predominately mid to lower sensitivity resources."*
- b) The above effects occur *"within the highly contained and limited visual envelope only those residents immediately abutting the site will experience significant visual effects."*

4.52 In relation to landscape effects as reported in the LVIA:

"Significance of landscape effects

6.5 During the construction phase of the development programme there will be continuous change to the landscape (in terms of both construction on site and construction movements in the local area). It is generally recognised that this is the most disruptive phase of development. In terms of the character of the site and its immediate context, the character of the area will experience localised and notable change with the introduction of elements and features associated with the construction process which are uncharacteristic. The construction activities will give rise to significant and adverse effects. This disruption will last for the duration of the build programme. The construction effects for all of the landscape receptors will be temporary in nature.

6.6 The permanent (post implementation and establishment of the landscape measures – years 5 onwards) significant landscape effects identified by this assessment process relate to:

- Mature hedgerows*
- Woodlands*
- Informal routes and green lane*
- Water features*
- Community orchards*
- Allotments*

6.7 In all instances these effects will be beneficial to the newly emerging townscape and its community of users. The effects will be localised and not experienced beyond the settlement and local landscape. The development will bring about significant beneficial effects through the delivery of the multifunctional green infrastructure.

6.8 The adverse effect on the character of the site, through the development of the settlement expansion in accordance with the emerging local plan, is balanced against the creation of a character of townscape which draws from and complements the local context. Furthermore, the new settlement edge provides for notable new and enhanced landscape features to the betterment of the townscape qualities.

6.9 By the nature of the containment by the existing land uses and landform the landscape effects are highly localised."

4.53 My view at construction aligns with that of Mrs Brockhurst. As with any green field site there is landscape and visual harm with the transition to that homes and open space, a new part of the settlement. The LVIA outcome (see LVIA Appendix 5 summary of landscape and visual effects), in relation to the landscape of the Site in the context of area 4, is that the resultant landscape effect moderates from adverse (towards the higher end of the spectrum) to neutral (in the mid to high end of the spectrum), by virtue of the introduction of elements consistent with the context alongside assimilation with the physical and perceptual environment of the town my view at completion. Whilst Mrs Brockhurst sees the effects upon completion as Neutral, in my opinion they remain Adverse but in Mrs Brockhurst's mid-range and thus not significant.

4.54 In relation to all other landscape receptors listed in the LVIA, Appendix 5, I agree with the findings of the LVIA with effects ranging from Neutral to Beneficial.

4.55 In relation to visual effects as reported in the LVIA:

"Significance of visual effects

6.10 During the construction phase of the development programme there will be continuous change to the views experienced by residents and those moving around the area. It is generally recognised that this is the most disruptive phase of development. The views will include incongruent elements, such as scaffolding, construction vehicles and plant. The viewers will experience frequent change on a daily basis; however, the duration of this change during the construction phase is temporary and short- term.

6.11 Significant, adverse, and permanent visual effects will occur in respect of those residents adjoining or in close proximity to the site. This specifically relates to:

- Residents fronting Firfield Road.*
- Residents on Asquith Gardens.*

6.12 Significant visual effects are highly localised and confined to the residents on the boundary immediately adjacent to the site. Not only is this a geographically limited group of people, but the number of receptors, in the context of the wider townscape and visual environment is comparably small."

4.56 In relation to visual effects listed in the LVIA, Appendix 5, I agree with the findings of the LVIA with effects ranging from Adverse to Neutral.

4.57 Overall and as reported in the LVIA summary at the reports section 7 the following is the case:

- a) The development of greenfield sites leads to change and the fact that change will occur is not harmful in and of itself.
- b) Para 7.2 *"In this instance the site has been identified by the Council as a suitable and appropriate location for new housing and it was being promoted for a new housing allocation in the local plan, until this was withdrawn."*
- c) The effects occur in a location that:
 - Located abutting the settlement edge, utilising the existing infrastructure.
 - Out with any national statutorily designated landscape.
 - Out with the setting of a statutorily designated landscape.
 - Not within or near other designated landscapes, such as Ancient Woodland or Registered Historic Parks and Gardens.
 - Not within or adjacent to a Conservation Area.
 - Not within an NPPF 'valued landscape.'
- d) The scheme has been robustly progressed with:

"The masterplan has been informed by extensive, comprehensive, and detailed technical analysis across a range of disciplines. The team's collaborative design approach has responded positively to the environmental requirements. The new settlement edge is permeable in terms of access and visibility, rich in landscape assets and delivers a variety of spaces, functions, and environmental benefits."
- e) The proposals "respond positively to their location and have adopted a landscape led approach to masterplanning. As a result, the proposals deliver significant and beneficial landscape effects, to be balanced against highly localised and limited effects on the visual environment for the majority of the

*community of Thundersley.” In relation to effects “none of a national, regional or district significance.
The landscape and visual effects are highly localised.”*

4.58 It is of note that the above was information before the Officers prior to the preparation of their committee report. A report that did not raise any matters on landscape and visual grounds.

5.0 Green Belt and the approach of the Council

Introduction

- 5.1 This section explores the existing situation alongside the Council's evidence base to its withdrawn local plan in respect of Green Belt.
- 5.2 Green Belt is not a landscape designation, no landscape analysis informed its designation and is not an indicator of landscape or visual, condition quality or value.
- 5.3 It is evident that land was designated as Green Belt at a regional level, including land that at a strategic regional level served the Green Belt purposes (and their interpretation) extant at the time of the designation.
- 5.4 Subsequently, and in recent years the Green Belt is being assessed by Councils across the country on a land parcel basis to determine how land parcels perform against Green Belt purposes at the local level.
- 5.5 In terms of the second Green Belt purpose 'to prevent neighbouring towns merging into one another' I make the following observations:
- 5.5.1 the national policy is clear that the strategic objective is to prevent towns from merging.
- 5.5.2 CBC Green Belt Topic Paper (my underlining):
- "1.3 Green Belt is one of the best known and oldest national planning policies. Following the initial identification of a Green Belt around London, the Town and Country Planning Act 1947 allowed local authorities across the county to incorporate Green Belts into their development plans with the aim of preventing urban sprawl and keeping land around towns and cities permanently open."*

The Council's Green Belt Evidence Base

- 5.6 The Green Belt and development, as relevant to the Appeal Site, are considered in:
- a) Green Belt Topic Paper, Nov 2018 (CD 6.4).
 - b) Castle Point Borough Green Belt Review Part 1 2018 (CD 6.1).
 - c) Castle Point Borough Green Belt Review Part 2 2018 (CD6.2).
 - d) Castle Point Borough Green Belt Review Part 2 Addendum Response to Initial Inspectors Questions (Feb 2021) (CD 6.3).
 - e) Castle Point borough guidance for assessing planning applications in the green belt in Castle Point (Nov 2023) (CD 6.25).

5.7 The Topic paper (CD 6.4) tells us that:

- a) *"The Castle Point Green Belts are part of the 1.6 million hectares covered by this national planning policies."*
- b) *"Within Castle Point the Green Belts were established in 1964 and approved in 1976 as part of the then Approved Review Development Plan. They then remained through the Essex Structure Plan, the Essex and Southend on Sea Replacement Plan 1996-2011 and into the adopted Local Plan in 1998 and were reviewed in 2001 through a review of the local plan. They have remained unchanged since that time. The Green Belt in Castle Point 'comprises of 2,750 ha and is tightly drawn around the existing urban area.'" (Ref 2018 Green Belt Topic para 1.9).*
- c) *"It is clear that there is a duty for local planning authorities to consider the appropriateness of their Green Belt boundaries to promote sustainable development. This ultimately means that in some circumstances it may be necessary to exceptionally amend Green Belt boundaries to deliver sustainable development patterns." (Ref 2018 Green Belt Topic para 2.14).*
- d) There are implications with not including sites within the Green Belt *"the Council chose not to include sites within the Green Belt in the local plan, which was published in 2016, and subsequently that plan was withdrawn in response to the inspectors position related to the duty to cooperate." (para 3.6).*
- e) In relation to Green Belt assessment methodology in consistency with good practice, at para 3.9, that *"it may well be that in carrying out the assessment of parcels against the purposes of the green belt, some parts of parcels may appear to perform differently to other parts and therefore the parcel should be split if recognisable and potentially defensible boundary can be identified."*
- f) In the final bullet of para 3.9 it is recognised that despite the perception of soundness of designation of Green Belt's, lesser contributions to purposes can be found. Assessment in essence is not a precise process.

5.8 In the Topic Paper, Parcels 4 and 5 and Figure 3 (within which the Appeal Site is a part) *'very strongly contributes to at least one Green Belt purpose'* in the reports table 1. It is to be noted that the same is the case for 27 of the 30 Green Belt Parcels.

5.9 In the report's conclusions at para 3.21 the following is reported:

"However, as set out in Calverton parish council versus greater Nottingham Councils [2015] there are 5 components to the consideration of whether exceptional circumstances exist to which may permit a degree of harm to the Green Belt to arise through the plan making process. The extent and nature of harm to Green

Belt is only one of these tests. Furthermore, as was clear from the Lichfield local plan inspectors report, sustainable development is not the servant of Green Belt policy, and there may be instances where harm to Green Belt is necessitated by the need to secure sustainable development patterns."

Testing of Exceptional Circumstances

- 5.10 In running through the reports exceptional circumstances tests the following is apparent:
- a) *Para 4.20 Green Belt boundaries have not been reviewed since 1998.*
 - b) *Para 4.22 the important role of the SHLAA in helping to ensure development locations are suitable, available, and achievable, and optimised with appropriate density (para 4.24).*
 - c) *As housing sites that SHLAA looked for optimising use of non-Green Belt Land (para 4.24).*
 - d) *A substantial shortfall in supply (para 4.28).*
 - e) *That no other authorities in the South Essex HMA could support exporting of need – no plausible scope (para 4.31.).*
 - f) *Due to the above, that current extent of Green Belt had to be given consideration (para 4.38).*
 - g) *In referring to the Council's sustainability appraisal, while release of Green Belt as last resort (para 4.43) it concluded that "a strategy which involves encroachment into the Green Belt represents a more sustainable option, than the option which would see no encroachment in the Green Belt." (para 4.44)*
 - h) *Housing Option Test (HOT) concluded that "this is likely to require the use of some land within the current extent of the Green Belt." (para 4.47).*
 - i) *The HOT prescribed harm to each Site in Housing Options Topic Paper 2018... (para 4.50) and proposed release of 187.8 ha of Green Belt land - 6.8% of boroughs current Green Belt extent...*
 - j) *In then working through amelioration of impacts the reports tells us at para 4.56 that optimization through density needs careful review on site-by-site basis as can increase visual prominence. Further amelioration is suggested in the form of new public spaces ... recreation and nature conservation ... (para 4.57) and finally at para 4.58 that "on a site by site basis design and layout and the use of landscaping will play an important role in mitigating harm to Green Belt design and layout can ensure that development integrates into both nearby urban area, and also the rural environment it would form a new boundary to, and particularly ensure visually prominent parts of the site are either avoided, or else developed in a more sensitive way landscaping meanwhile can screen development in both nearby and long distance views. It is also important that this landscaping is integral to the*

development, as when established settlements are viewed from a distance the rooftops are normally interspersed with treetops which helped to soften the relationship between the urban and rural environments. High quality design, which is based on context appraisal, and includes consideration of landscaping requirements is therefore essential to minimising harm arising from development on sites within the current extent of Green Belt and should therefore former consideration in relation to test 5 also."

- k) The topic paper concludes at its paragraph 5.4 that *"these tests have been considered at a plan wide level within this report, and it is concluded that at a plan level, a significant proportion of the identified development needs could be met within the Castle Point Borough through amendments to Green Belt boundaries."*

Green Belt Part 1

- 5.11 We are told at para 1.4 that this Green Belt review supersedes all previous Green Belt studies or Green Belt reviews prepared by the Council and sets out the revised and transparent methodology through which a robust assessment of the Green Belt was undertaken.
- 5.12 At para 1.6 the review states that should emerging evidence conclude that development in the Green Belt is necessary subsequent reports (in essence Part 2) will focus on the full range of sustainable planning considerations on a site-by-site basis, enabling potential realignment of Green Belt boundaries to accommodate the proportion of housing need which cannot be accommodated on the land which is currently outside the Green Belt whilst ensuring promotion of sustainable pattern of growth and the determination of new Green Belt boundaries that can endure for the long term.
- 5.13 Para 2.2 In support of development in relation to the new Local Plan, a 15 year plan up to 2033, the report tells us that *"the Council is required to look beyond the urban boundary and assess whether there is land outside the urban areas that could accommodate all or a proportion of this growth. It looks at land beyond urban boundaries to support new local plan up to 2033."*
- 5.14 Other constraints to development are reported in para 2.3, notably the buffer between industrial installations and extent of landscape and wildlife constraints.
- 5.15 Para 2.11 reiterates the Topic paper's purpose *"is not to allocate land for development but to inform the preparation of the local plan alongside other published evidence which will have to satisfy the NPPF*

requirement of demonstrating exceptional circumstances and exhausting reasonable options for otherwise meeting its identified need for development."

5.16 Section 5 of the report relates to its methodology. The abstract below is of relevance to this Appeal.

- a) In relation to the identification of individual parcels robust and permanent boundaries are defined in para 5.4. Within these the features included were rivers/waterways, railways, and roads. It is then noted at para 5.5 that *"following this initial sweep, further divisions were made on the basis of features that might be less permanent in nature, such as other water features, belts of trees, marshland, coastal areas and woodland."*
- b) At para 5.6 it is recognised that *"Changes in land designation and land use were often used to determine parcels nonetheless it is considered that the method employed to define area boundaries represents a consistent and logical approach."*
- c) At para 5.12 that localised difference in parcels *"can be cited and investigated further at the site level should the parcel become subject to any future work which explores the principle of allocating the parcel or any portion of that parcel, for future development."*

5.17 In relation to purposes the identification of each parcel's contribution is explained and is based on the document's table 2: Green Belt Assessment System. Again, relevant to this Appeal is that:

- a) At para 5.16 it is recognised that there may be variation across parcels and that this will be clarified in parcel review. Also, if further consideration is required this can be at site level.
- b) At para 5.20 it is noted that *"the relative contribution that a single parcel makes to maintaining a strategic gap between two different urban centres could increase should another parcel which is also part of that strategic gap be allocated for development."*
- c) At para 5.21 it is reported that *"...site allocations should be directed at the most sustainable locations, of which the impact on the Green Belt is but one sustainability consideration albeit an important one."*
- d) At para 5.22 we are told that this report is to be read alongside the Housing Land Availability Assessment and the Sustainability Appraisal and other relevant technical guidance.

Purpose 1 Sprawl

5.18 At para 5.24 In referring to development that is *"planned positively through a local plan, and well designed with good master planning,"* it concludes that *"sprawl is therefore not so much an issue of whether it contains*

development but whether that development is a natural fit in the landscape and forms a logical pattern. The degree of permeability between the built up area and the countryside is also an important consideration."

- 5.19 At para 5.25 it is noted that the purpose relates itself only to 'large built-up areas' and these are listed as Thundersley, South Benfleet, Hadleigh and Canvey Island.
- 5.20 At para 5.26 the report brings Daws Heath into contention as '*a prominent isolated settlement.*' At para 5.27 the report states that Daws Heath is not itself in the Green Belt but '*it is entirely circled by Green Belt such that there is a clearly defined boundary between the settlement and the Green Belt.*'
- 5.21 This purpose is measured via application of Table 3 and both Parcels 4 and 5 are found to have a degree of conformity that is perform 'Very Strong'. This is defined as:
- a) "*The parcel is adjacent to a built-up urban area, or sprawl from a built-up urban area, and contains isolated or no development emanating from the adjacent area.*"
 - b) "*There are no alternative features that would provide a strong barrier to development.*"
 - c) "*Development would conflict with the purpose.*"

My observations on this reviews assessment relating to purpose 1

- 5.22 In their desire to raise the degree of conformity with this purpose, Daws Heath, is elevated as 'prominent isolated settlement.' This itself is a sign that Daws Heath falls short of the Framework's description of 'large built-up area' associated with this purpose.
- 5.23 I am also of the opinion that in reviewing the report's table 3, 'degree of conformity', that alignment to Very Strong is an overstatement. There is conformity with the Strong characteristics through the parcel being "*land is adjacent to a built-up urban area, or sprawl from a built-up urban area, and contains limited development.*" Also, in relation to a moderate degree of conformity there are "*alternative features that provide a strong barrier to development within the parcel.*"

Purpose 2 Town merging

- 5.24 In relation to purpose 2 we see at para 5.33 of the report, that Daws Heath is drawn into the study as a 'small settlement near to towns' and at para 5.34 that Daws Heath is considered to be a distinct 'neighbouring town' for the purpose of this study. There is considerable confusion, lack of consistency over its status.

- 5.25 At para 5.35 the paper reports that in reviewing the gap that would remain if development were to take place *"it is important to note that the notion of preventing towns from merging is more one of perception as it is of distance between two towns."* Further that *"The PAS Green Belt guidance states that a 'scale rule' approach should be avoided. The identity of a settlement is not determined just by the distance to another settlement; The character of the place and of the land in between must be taken into account. Landscape character assessment is a useful analytical tool for use in undertaking this type of assessment."* The Castle Point Green Belt Landscape Assessment (2010) is then referred to.
- 5.26 The report then exemplifies this at para 5.36 *"Green Belt land that is open in nature with a flat topography and little to no vegetation will have far longer lines of sight than, for example, land which is wooded."*
- 5.27 This is expanded upon at para 5.37 *"the contribution a parcel makes to this purpose will be assessed as lower in those areas where relevant land within a strategic gap contains another robust feature that would act to inhibit urban coalescence such as a major infrastructure or a significant natural feature which would provide clear demarcation between 2 urban settlements even if development was to take place up to their edge."*
- 5.28 In reiterating the avoidance of a 'scale rule' approach at para 5.38 distance is seen as a factor however *"assessment criteria themselves will not be based on any particular distance thresholds as the topography and landscape features within the total gap are also important factors."*
- 5.29 This purpose is measured via application of Table 4 and both Parcels 4 and 5 are found to have a degree of conformity that is perform 'Very Strong'. This is defined as:
- a) The parcel forms the entirety of the strategic gap between two neighbouring towns.
 - b) Development would lead to urban coalescence or a very strong perception of merging.

My observations on this reviews assessment relating to purpose 2.

- 5.30 My opinion is that a review of their own table 4 leads to a view that the assessment's scoring is at odds with the table.
- 5.31 In my opinion there is a better fit with 'Strong' potentially 'Moderate' for Parcel 4. The assessment is appropriate for Parcel 5.

Purpose 3 Encroachment of Countryside

- 5.32 At para 5.42 'Encroachment' is defined as being *"where inappropriate development has taken place within the countryside, with the degree of encroachment being the most important basis upon which the contribution each parcel makes to the Green Belt purpose is assessed."*
- 5.33 At para 5.44 the importance of the size of the parcel and the influence of the parcels surroundings is explained and exemplified *"again, the nature of the land use within the parcel will be important. Densely wooded areas are considered to be 'open countryside' as they are free from built development, and the role of woodland from impeding lines of sight may the perception that one is in the open countryside, should inappropriate development be screened from view."*
- 5.34 Para 5.45 notes that *"the 'quality' of the landscape or countryside is not part of the Green Belt review as it is not featured in any of the purpose."*
- 5.35 This purpose is measured via application of Table 5 and both Parcels 4 and 5 are found to have a degree of conformity that is perform 'Very Strong'. This is defined as:
- a) The parcel represents open countryside and is almost entirely free of development considered inappropriate in a Green Belt location when considered as a whole.
 - b) Any periphery development influencing the parcel is characteristic of the countryside or not sufficient to outweigh the perception of countryside.

My observations on this reviews assessment relating to purpose 3.

- 5.36 My opinion is that a review of their own table 5 leads to a view that the assessment's scoring is at odds with the table.
- 5.37 In my opinion there is a closer fit with a score of 'moderate' for Parcel 4 where 'Moderate' states *'the parcel is influenced by periphery development that has some impact on the perception that the parcel is part of the wider countryside'* and 'strong' for Parcel 5. A parcel that includes the Little Haven hospice and abuts Daws Heath for the majority of its southern edge.

Green Belt Review Part One Summary Findings

- 5.38 Within this report the Council found 27 of their 30 Green Belts made a very strong contribution to at least one Green Belt Purposes. In relation to Parcels 4 and 5 both are found to have a 'very strong' contribution across the board. Below is a summary of the findings from the GB 1 report.
- 5.39 The parcel summary and strategic contribution for Parcel 4 is as follows:

"Parcel Summary - This parcel is adjacent to four other Green Belt areas as well as the urban settlements of Thundersley, Daws Heath and Hadleigh. Although the boundaries are mainly not comprised of strong, robust features, the parcel is almost devoid of development considered to be inappropriate for a Green Belt location. The parcel forms the entirety of the relatively small strategic gaps between these three settlements and displays strong agricultural / countryside characteristics. As such it is considered to make a very strong contribution across the assessed Green Belt purposes.

Strategic Contribution - At the strategic level this Green Belt parcel and the surrounding Green Belt parcels serve to collectively encircle Daws Heath, acting as a ring of Green Belt around the settlement. This ring prevents encroachment into the surrounding countryside, which helps to maintain the character and integrity of the area."

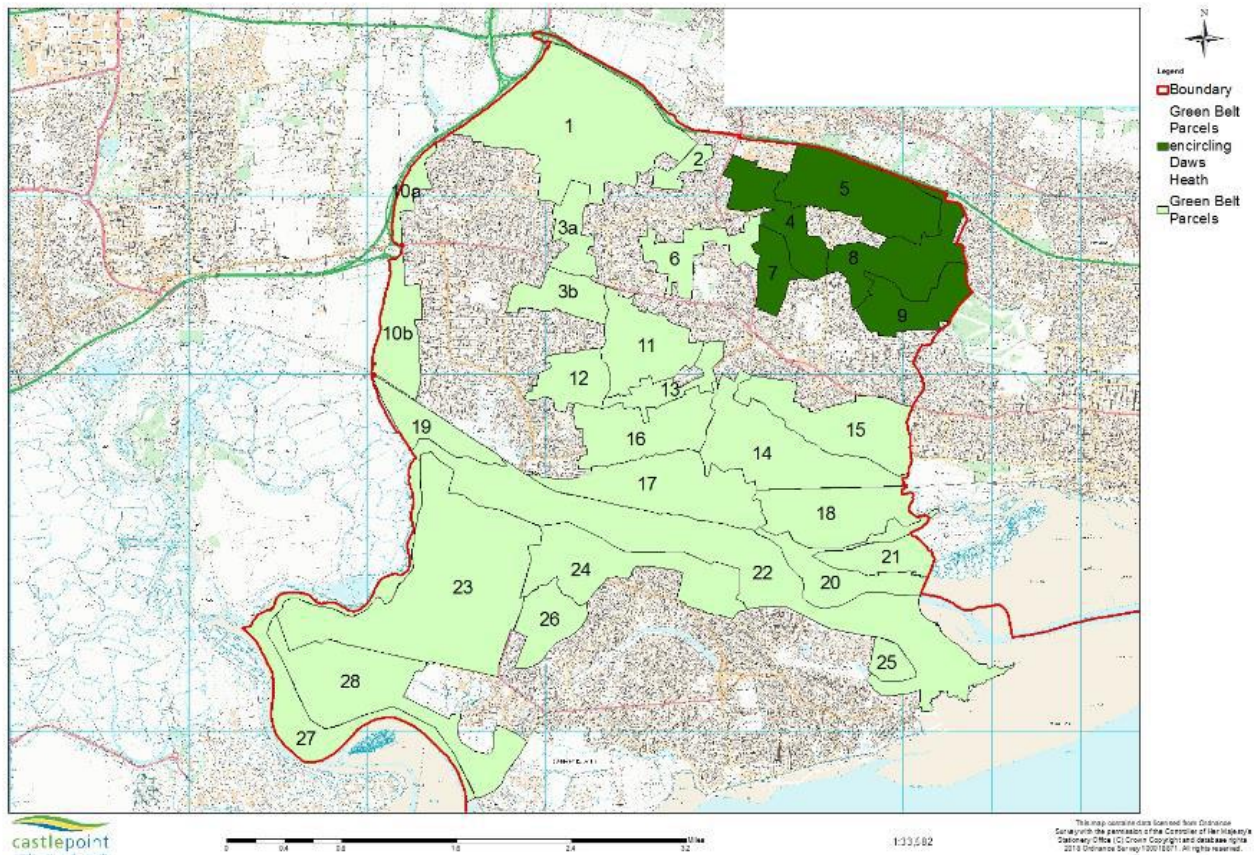
5.40 The parcel summary and strategic contribution for Parcel 5 is as follows:

"Parcel Summary - Located in the northeast of the borough, this parcel contains open fields, three wooded areas, and is almost devoid of built development. As such it makes a very strong contribution to Green Belt Purpose 1 and Purpose 3. Whilst the wooded areas provide screening within the parcel, the fact that the parcel forms the entirety of the strategic gap between Thundersley and Daws Heath, the majority of the strategic gap between Daws Heath and Eastwood, Leigh-on-Sea, and there are no features which would block inter-visibility outside of the parcel, it is also assessed as making a very strong contribution to Purpose 2.

Strategic Contribution - At the strategic level this Green Belt parcel and the surrounding Green Belt parcels serve to collectively encircle Daws Heath, acting as a protective ring of the Green Belt around the settlement. This ring prevents encroachment into the surrounding countryside, which helps to maintain the character and integrity of the area. This parcel also connects to the Green Belt within the Rochford administrative area to the north, although it is separated by the A127 which acts as a robust boundary between the administrative areas."

Daws Heath 'Ring'

5.41 Also within the report the assemblage of parcels around Daws Heath are described as 'one of four strategic areas of the Green Belt.' The 'ring' is inclusive of Parcels 4, 5, 7, 8 and 9 as shown on the following figure. (It is also shown on figures 1.1 and 1.2 within the Appendix to this proof, in relation to the Appeal Site boundary).



5.42 At para 7.77 the report notes that:

"This Green Belt area encircles the settlement of Daws Heath and has been effective in preventing urban sprawl and therefore preventing the settlement from merging with the surrounding settlements of Hadleigh, Thundersley, Rayleigh and Eastwood. It also has an important function of preventing urban coalescence between these settlements more generally. As a result, Daws Heath has a more rural character compared to other settlements within Castle Point and neighbouring districts."

5.43 This thus clearly defines the Council's understanding as to the extent of the settlement of Daws Heath in terms of Green Belt purposes.

5.44 We are then told at para 7.13 that:

"Any assessment work taking the results of this Review forward should consider how any Green Belt release may impact on the performance of the parcel in the context of its role in contributing to a strategic area."

5.45 The Green Belt function is then further summarized at para 8.11:

"The Green Belt parcels directly adjacent to the smaller settlement of Daws Heath all contribute to the Daws Heath Ring strategic area. These parcels prevent the settlement from merging with the surrounding settlements of Hadleigh, Thundersley, Rayleigh and Eastwood. As a result, Daws Heath has a more rural character compared to other settlements within Castle Point and neighbouring districts. All but one of these parcels is strongly contributing to Green Belt Purpose 2, which is to prevent neighbouring towns from merging into each other. Three of the five parcels within the Daws Heath Ring are assessed as making a very strong contribution to the other two Green Belt purposes assessed as part of this Review and so these parcels are making a very strong contribution to the holistic purpose of the Green Belt."

My observations on this reviews assessment relating to the Daws Heath Ring

- 5.46 Through elevating Daws Heath to a 'distinct neighbouring town' (see para 5.24 of this proof) they seek to raise the settlement's importance to a point where they are able to bring the settlement up to a scale that is large enough to be relevant to the NPPF's Green Belt tests. That said, through the definition of the settlement as an isolated one, one surrounded by a strategic Green Belt Area, they are very clear that the settlement within the ring is Daws Heath, focused around its historic core (refer to figure 1.3 in my Appendix). It is thus very apparent that the settlement is not inclusive of ribbon development outside this 'ring' and along Daws Heath Road.

Green Belt Part 2 (Dec 2018) (CD 6.2)

- 5.47 We are told at para 1.5 that *"the role of this part of the review is to assess the degree of harm on Green Belt, on a site-by-site basis, that would be realised if any of the individual Green Belt sites that are being considered by the council for potential allocation for housing are allocated for that use."*
- 5.48 Within this report that Appeal Site is Proposed Housing Site Allocation SH07.
- 5.49 At para 1.7 we are told that this work *"is to be used in conjunction with the findings of further assessment carried out as part of the Castle Point Strategic Housing Land Availability Assessment, Sustainability Appraisal and other technical evidence."*
- 5.50 In its methodology the Part 2 report does repeat matters raised in the Part 1 report, alongside of note but further site specific elaboration.

Purpose 1 - to check the unrestricted sprawl of large built up areas

- 5.51 At its para 6.28 it states, *"the relationship of the site to the existing settlement pattern is the primary interest however, such that the allocation of a site containing no development but whose development would be in*

keeping with the settlement pattern is assessed as representing a lower degree of harm to the Green Belt than the site which contains no development but is not in keeping with the settlement pattern."

5.52 This purpose is measured via application of Table 1 and for SH07 the outcome takes forward the scoring of with the Green Belt Review Part 1 where the Site is found to have a degree of conformity that where the Degree of Contribution of found to be 'Very Strong'. This is defined as:

- a) *"The proposed development site is adjacent to an existing built-up urban area, or sprawl from a built up urban area, and contains limited or no development emanating from a built-up area.*
- b) *Future development would constitute sprawl as it would be very poorly related to the existing settlement pattern.*
- c) *Development of the parcel would bring development across a robust boundary feature and there are no alternative features that would provide a strong barrier to development."*

My observations on this reviews assessment relating to Purpose 1

5.53 As at para 5.22/3 my opinion is that a review of their own table 1 leads to a view that the assessment's scoring is at odds with the table and that in my view there is a closer fit with Strong.

5.54 In relation to Parcel 5 and its contribution in relative to SH07 my view is that the review does not give sufficient weight to the combination of the trees on the eastern boundary that are subject of a TPO and this in in conjunction with the immediately adjacent Local Wildlife Site. The relationship with this robust boundary, is shown on Fig 1.4 in the Appendices to this proof.

Purpose 2 – to prevent neighbouring towns merging into one another

5.55 As with the Green Belt Part 1 report this reports refers to:

- a) The influence of topography and vegetation upon site lines (para 6.34).
- b) The influence of robust features that would act to inhibit urban coalescence including '*significant natural features.*' (para 6.35).
- c) The review avoiding the 'scale rule' approach (para 6.36).

5.56 This purpose is measured via application of Table 2 and SH07 is found to have a degree of conformity that is perform 'Very Strong'. This is defined as:

- a) The proposed development site forms the entirety of the strategic gap between two neighbouring towns, or the majority of it.
- b) Development would lead to urban coalescence or a very strong perception of merging.

My observations on this reviews assessment relating to Purpose 2

- 5.57 Again as with the Part 1 review the outcomes, despite the elaborations at the site-specific level, result in a 'very strong' score that in my opinion is overscored. In this location the existing mature vegetation, in part protected by TPO and in part by the Local Wildlife Site designation and in conjunction with the underlying topography, would prevent the perception of coalescence. Such features would result in a score that is lower than very strong for both Parcels 4 and 5.

Purpose 3 - to assist in safeguarding the countryside from encroachment

- 5.58 This purpose is measured via application of Table 2 and SH07 is found to have a degree of conformity that is perform 'Very Strong'. This is defined as:
- a) The surrounding area predominantly functions as countryside.
 - b) The proposed development site represents unspoilt countryside and is at least almost entirely characterised by rural land uses when considered as a whole.

My observations on this reviews assessment relating to Purpose 3

- 5.59 Again as with the Part 1 review the outcomes, despite the elaborations at the site-specific level, result in a 'very strong' score that in my opinion is overscored.
- 5.60 In relation to Parcel 4 it is very apparent that the immediate surrounds of the development site contain development of the perception of the site being countryside, visually far more so to the west, the northern boundary with the industrial /retail park and to the rear of the properties that align Daws Heath Road. To the core of the parcel the perception of countryside is diminished by the lack of tranquillity and noise associated with the adjacent settlement. Such factors would lead to a lesser score.
- 5.61 In relation to Parcel 5 and its contribution in relative to SH07 my view whilst visually there is less of an urban edge feel, the perception of countryside is similarly affected by noise associated with adjacent settlement and infrastructure. Again, the scoring does not acknowledge this.

Part of Strategic Area

- 5.62 The allocation review also reports that the SH07 is part of the Daws Heath 'Ring' that 'encircles' Daws Heath and has *"been effective in preventing urban sprawl and therefore preventing settlement from merging with the surrounding settlements of Hadleigh, Thundersley, Rayleigh and eastward."*

My observations on this reviews assessment relating to contribution to Strategic Area

- 5.63 The elevation of Daws Heath continues at the Site specific level but alongside this so does the Council's reaffirmation that Daws Heath is the settlement encircled by Green Belt and it is this that prevents Daws Heath from merging with the surrounding settlements of Hadleigh, Thundersley, Rayleigh and Eastwood.

Degree of Harm of Releasing Whole Proposed Housing Site from the Green Belt.

- 5.64 On page 46 of the Green Belt Review Part Two the degrees of harm are then captured (based on methodology on explained at page 6.15 onwards in the report. Of note at para 6.16 is that *" these criteria are primarily based on those which informed part one of the Green Belt review but have been modified to accommodate the fact that part one of the review ascertains the role of the Green Belt is currently playing with Part 2 looking at the degree of harm of releasing a site from the Green Belt relative to its current performance under the purposes."*
- 5.65 It is therefore reasonable to assume that if the performance of purposes is overstated the ensuing harm may correspondingly be overstated.

Impact on Remaining Wider Green Belt

- 5.66 In relation to this matter the following is reported (my emphasis):
- "Development of the proposed site would not have a significant negative impact on the robustness of Green Belt boundaries as it would act to realign a boundary that is already currently formed of residential curtilages with what would be a different set of residential curtilages.*

Its development would act to cut off the small parcel of Green Belt land which is currently developed as a fire station and car show room from the wider Green Belt. This is not considered to have a significant impact on the purposes of the Green Belt as the land is already developed with inappropriate uses and of limited strategic importance.

There is however a significantly negative impact in relation to the merging of urban settlements as the strategic gap between Thundersley and Daws Heath will be significantly reduced in general, as well as narrow by approximately two thirds at the point where it is currently the narrowest. Development would act to exacerbate the perception of coalescence of the urban settlements in this area and reduce the contribution the Green

Belt makes to the identified locally strategic priority of preventing the urban coalescence of Thundersley, Daws Heath and Hadleigh."

My Observations overall in relation to Green Belt Assessment Part 2

- 5.67 In relation to Daws Heath the settlement is elevated in scale, as it is within the Green Belt Review Part 1. It is also apparent that the settlement is consistently referred to as that contained by the Daws Heath Ring.
- 5.68 It is evident that inconsistencies in baseline scoring in Part 1 have been taken forward into Part 2 and that these outcomes have informed assessment of harm in Part 2, with the result that this also has the potential to have been elevated. In summary the assessment shows that the Green Belt review process is one that is very much open to interpretation.

Green Belt Part 2 Addendum – Response to Inspectors Initial Questions (Feb 2021) (CD 6.3)

- 5.69 This further review amended the HO13 Site Allocation Boundary, to remove a triangular field and dwelling that front onto Daws Heath Road, as shown below:

Context of HO13



The eastern boundary in 2019 included the dwellings that front onto Daws Heath Road and included the triangular shaped field. HO13 excludes dwellings and the additional field.

Aerial of HO13



- 5.70 With the amendments in place the overall scoring in relation to both contribution and harm is perpetuated by the Council.

Castle Point borough guidance for assessing planning applications in the green belt in Castle Point (Nov 2023) (CD 6.25)

- 5.71 This report is referred to in the OR on its page 14. At para 1.1 of the report, it states its purpose as being to provide:
- "Targeted local guidance for Castle Point borough Council planning officers who were used the template for assessing Green Belt applications in assessing primarily residential planning applications in the Green Belt in the context of national planning policy, guidance and case law. This note is intended to support the Council in identifying a consistent and comprehensive approach to assessing applications in the Green Belt."*
- 5.72 At the top of page 68 of the OR the Council state that they have completed the assessment and provide this in their Appendix 1 to the OR.
- 5.73 In this Appendix 1 they run through the six stages as the approach requires. In relation to Stage 3 and Green Belt harm they find weight Substantial. In relation to Stage 4 'Non Green Belt harm', which their guidance document suggests (its table 6.1 page 24) is to assess 'weight attributed to harm to character and appearance of the area, biodiversity, a designated heritage asset? They find harm to be limited.

6.0 Analysis of Propositions

Introduction

- 6.1 In this section the proof deals with the two matters that have arisen as detailed at para 2.4 and 2.8 of this proof.
- 6.2 I deal with Landscape and Visual issues first (**Matter 2**) first, followed by Green Belt matter (**Matter 1**).

Matter 2 Landscape Character and Visual Effects

- 6.3 The Appellant has a detailed understanding of the Appeal Site and its context.
- 6.4 It has been through a robust baseline assessment, an LVIA (CD 1.20) prepared in accordance with GLVIA 3rd edition. A document that has not been contested in any way by the Officers through the pre-application period, through determination nor within the Officers Report. This has confirmed that the Appeal Site:
- a) It is on land that is abutting a settlement edge on three sides, with this comprising Industrial/Retail development to the north and residential development to the west and much of the south.
 - b) It is out with any statutory designated landscape or an associated setting.
 - c) Is not within or near any other designated landscape such as Ancient Woodland or Historic Park and Garden.
 - d) Not within or adjacent to a Conservation Area.
- 6.5 Within the OR and their Appendix 1 the Council had the opportunity to detail matters of harm to character and appearance, their outcome only resulted in limited harm. This is very much at odds with their Statement of Case where at its para 5.49 such harm is now reported as being "*permanent, substantial and irreversible and attracts significant weight in the planning balance.*"
- 6.6 In response the Appeal scheme is on land that does not fall within a valued landscape, within the meaning of paragraph 180a of the Framework. This is a matter of Common Ground.

- 6.7 With the above knowledge to hand the baseline assessment and analysis has understood the relative sensitivities of the Appeal Site, (overall the Appeal Site has a sensitivity 'within the middle of the spectrum' - LVIA para 3.10), guidelines for change arising from the landscape baseline data and the Council's design evidence base. The Landscape and Visual baseline work occurred in 2020-1 and informed the scheme design. This document was before the Council in the preapplication period and was in no way challenged, yet their Statement of Case now seeks to elevate the sensitivity of the Landscape resource (their Statement of Case para 5.32).
- 6.8 As observed in the LVIA, its para 4.5, *"The baseline analysis (landscape and townscape) is a critical component of design process and achieving a successful outcome in respect of the master plan."*
- 6.9 The Appeal scheme has been progressed pursuant to this baseline, as detailed at para 4.28-4.45 of this proof. It was well documented, well-illustrated, to the appropriate level of detail, with the submitted DAS, the illustrative masterplan and LVIA and culminated the set of parameter plans (CD 1.6-1.9). As noted at para 4.48 of this proof Officers have understood that the scheme has illustrated response to its local and wider context, reflecting key characteristics in the local area.
- 6.10 The scheme was one where the effects were deemed to fall below the threshold for an ES to be required as reported at para 3.15 of this proof.
- 6.11 The Landscape and Visual Effects are described in the LVIA, an assessment at the end of the design process. In common with the screening opinion, they conclude that the effects are limited in their significance. The effects are reported at para 4.49 to 4.53 of this proof. In relation to landscape character whilst there are adverse effects to character, they moderate post completion and in relation to landscape features and new assets, notably: Hedgerows, Woodlands, Informal Routes and Green Lanes, Water features, Community Orchards and Allotments there will be significant beneficial effects. In relation to visual effects there are adverse effects that are assessed as significant, but they are limited and localised.
- 6.12 In relation to landscape and visual matters the application, one with all matters reserved except the principle of development and the means of access, was not challenged by the Officers. Indeed, Essex County Council (Green Infrastructure) did not object subject to conditions and in suggesting a Green Infrastructure/Landscape Strategy (page 27 of the OR) they welcomed the commitment to *"strategic GI*

elements such a green corridor, green open space, links to active travel and planned retention and enhancement of the existing GI."

6.13 Essex County Council (Green Infrastructure), on page 30 of the OR, also supported *"the consideration of natural play and natural play design features."*

6.14 The Officer's lack of response on landscape and visual matters is right as the scheme:

- a) Has been proposed on a site identified by the Council as suitable and appropriate for new housing one being promoted for new housing within the emerging local plan until it was withdrawn.
- b) In respect the natural environment the site is not covered by specific policy's listed in the framework paragraph 11 footnote 7 including: SSSI's; habitat sites; National Landscapes; National Parks; heritage coasts; irreplaceable habitats; areas at risk of flooding or coastal change; and designated heritage assets.
- c) In relation to the framework para 180 a). it is not a valued landscape.

6.15 In fact the Appeal Site has a number of locational benefits summarised as follows:

- a) It abuts the settlement edge and utilises the existing infrastructure.
- b) It is out with any national statutory designated landscape.
- c) It is out with the setting of any statutory designated landscape.
- d) It is not within or near other designated landscapes such as ancient woodland or registered historic parks and gardens.
- e) It is not within or adjacent to a Conservation Area.

6.16 The approach to design *"a master plan informed by extensive comprehensive and detailed technical analysis across a range of disciplines culminating in a new settlement edge that is permeable in terms of access and visibility, rich in landscape assets and delivers a variety of spaces, functions and environmental benefits"* (LVIA para 7.6) results in a design solution that responds positively to its location, has adopted a landscape led approach to masterplanning and as a result delivers significant and beneficial landscape effects. These are to be balanced against highly localised and limited effects on the visual environment.

- 6.17 The landscape and visual effects are stated at para 4.49-4.53 of this proof. Landscape effects range from a localised adverse effect upon character to beneficial effects upon landscape features. Visual effects range from adverse to neutral, again with the effect being very localised. Finally, none of the effects are of a national, regional or district significance.

Matter 1 Green Belt

Green Belt Evidence Base and promotion of Appeal Site

- 6.18 It is very apparent from the above that the Appeal scheme has progressed through a robust design process, one that has fully understood and responded to its context, one that has been landscape led. Washing over much of this landscape is the Green Belt.
- 6.19 Whilst Green Belt is a not a landscape designation, whilst its designation was not informed by landscape assessment and it is not an indicator of landscape quality or visual condition quality or value, Green Belt objectives and purposes are influenced by landscape and visual characteristics, as is the ability to ameliorate effects associated with Green Belt development. We will come back to this below.
- 6.20 Within the Green Belt Topic paper we are told that the Castle Point Green Belts were established in 1964 and approved in 1976. They were ultimately adopted in the 1998 Local Plan and have remained unchanged since that time.
- 6.21 In the progression of their emerging local plan, now withdrawn, they were subject to considerable scrutiny. Through an accepted methodology yet arriving at outcome that showed that it was open to interpretation, via professional judgement, with elevation of performance associated with purposes and subsequent assessment of harm.
- 6.22 Despite the inconsistency of the approach to assessment one factor that did remain consistent, up to the EIP for the emerging local plan, was the promotion of the Appeal Site as Housing Allocation HO13 with its associated policy. Green Belt Parcel 4 and in a small part Parcel 5 (Green Belt Review 1), translated into Proposed Housing Allocation SH07 in Green Belt Review 2, refined in Green Belt addendum in 2021 and found sound by the Inspector at the EIP, prior to the withdrawal of the emerging local plan.
- 6.23 The Council were able to arrive at this position, as demonstrated in the EIP Statement of Common Ground (para 3.14 of this proof) through concluding that:

"..that sufficient exceptional circumstances exist to justify a review of the Green Belt as required in para 136 of the NPPF. The allocation of the land east of Rayleigh Rd (Policy H013) demonstrates a proper and robust review of Green Belt boundaries with due consideration of the need to promote sustainable patterns of development. The site is largely surrounded by existing Urban Development with easy and short access to existing employment, retail, residential uses and public transport. The assessment is therefore entirely in accordance with the advice contained within paragraph 138 of NPPF and the guidance provided by a series of other Green Belt reviews detailed in the Green Belt topic paper 2018."

Amelioration and mitigation

- 6.24 The Council's Green Belt review stated (see para 1.7 of Green Belt Review Part 2) that it was to be considered alongside other evidence base documents, notably their Green Belt Topic Paper, SHELAA, their Large Sites Capacity Assessment, the Sustainability Appraisal and other technical evidence. Within these reports guidance is given in relation to how amelioration and mitigation of development could occur on development sites. Whilst it is understood that the above supported the now withdrawn Local Plan they remain of relevance as they show how harm can be limited through positive response to such matters.
- 6.25 In relation to above and matters advocated in related documents, it is evidenced through the design process as illustrated with the LVIA and DAS that:
- a) Responded to the Council's Large Sites Capacity Assessment having understood the constraints listed in that report and having positively responded to opportunities advocated. (Please refer to para 3.12 of this proof).
 - b) Responded to the Council's SHELAA and associated mitigation outcomes. (Please refer to para 3.6 of this proof).
 - c) Responded to matters of amelioration in relation to Green Belt Topic Paper. (Please respond to para 4.10 j) of this proof.

Assessment of Effect Upon the Green Belt and its purposes

- 6.26 It is evident from the attached decision associated with Kennel Lane, Billericay APP/V1505/W/22/3298599 (CD 8.4), that whilst it is common ground that scheme is inappropriate development, associated harm needs to be understood to enable weight to be applied. My role is not to apply weight, which is for Mr Ryder, but I

do however assess harm in relation to both Openness and Purposes. In relation to the decision referred to, it is also understood that each case is read on its own merits.

Openness

- 6.27 The Appeal Site has a high level of visual containment from the wider context as a result of the combination of topography, peripheral vegetation and adjacency, in part, to the built up area.
- 6.28 The introduction of new homes will affect both visual and spatial sense of openness but as with current conditions this change this effect will be localised. Spatially the new homes, and associated infrastructure (new roads and hardstanding) will occur on just under half of the Appeal Site. The balance of the Appeal Site, 51% of the site, is to be Multifunctional Open Space refer to page 99 of the DAS (CD 1.2). This is also shown on Multi-functional Open Spaces Parameters Plan (CD 1.8). This is a positive response to the character of the Site and its context, a response that acknowledges guidance from the Council's SHELAA and Large Sites Capacity assessment and importantly in Green Belt terms remain 'Open.'
- 6.29 Visually the character of the Appeal Site's boundaries means that there is already a good degree of enclosure to the Appeal Site and that alongside internal compartmentalization, through internal boundaries (mature trees and trees) and the rolling landscape all reduce the perception of Openness. The vegetative boundary features both peripherally and internally are to be retained, restored and enhanced as part of a beneficial GI strategy. The exception perhaps the 2 field parcels to southeast however again perception of change to openness in this localised to immediate context and in a location where ribbon development is already part of the local context. The resultant effect is that any perceived change to the openness of the Appeal Site will be largely restricted to within the Appeal Site itself and a very limited part of the local context.
- 6.30 In allowing public access to the Site also results in the integration of public vantage points, views out from the site to the wider context, for example the Church Tower to the north.
- 6.31 In combination the above factors reduce the harm to the Openness. Such an assessment is consistent with the approach taken by the Inspector in the Kennel Lane Decision in its para 9- 13 (CD 8.4).

Purposes

- 6.32 The Council refer to only purposes a)-c) in Statement of Case, para 5.16- 5.27. Subsequent to their Statement of Case it is now also Common Ground that purpose d) and e) are not an issue between the two parties.

Purpose a – to check unrestricted sprawl of large built up areas

- 6.33 In their scoring against this purpose the Council elevate the contribution of Parcel 4, in relation to this purpose and underplay the weight associated with robust boundary feature in relation to Parcel 5 (refer to para 5.54/55 of this proof).

- 6.34 The Appeal Site is very well related to the settlement edge. It has development on three of its margins – the Industrial retail park to the north, Rayleigh/Thundersley to its west and the development along Daws Heath Road to its South. These all visually relate to and contain the Appeal Site. Additionally, to the east the mature tree boundaries, subject to a TPO and the Local Wildlife Site to their east provides a further robust boundary. In this way the Development is tightly restricted. This is reaffirmed by the Inspectors in his report of the soundness of the withdrawn Local Plan (CD 7.1) as below:

“The development of the site would cause harm to the openness of the Green Belt and some harm to its purposes as it would cause a loss of countryside and serve to reduce the strategic gap between Thundersley and Daws Heath. However, the site would be enclosed by existing development to the west, north and along much of its southern boundary. A new Green Belt boundary would be formed to the east of the allocation with the nature reserve. This would be readily recognisable and is likely to be permanent, maintaining a gap and preventing coalescence between Thundersley and Daws Heath.”

- 6.35 Additionally as the Council Green Belt Part 2 states, as reported at para 5.18 of the proof development that is “planned positively through a local plan, and well designed with good master planning,” it concludes that “sprawl is therefore not so much an issue of whether it contains development but whether that development is a natural fit in the landscape and forms a logical pattern. The degree of permeability between the built up area and the countryside is also an important consideration.”

6.36 The Appeal scheme is very '*natural fit and forms a logical pattern.*' To its west greenspace sits between the home and the fire station, to its north east the development edge is pulled a long way in from the most easterly aspect of the industrial/ retail area that lies to the north. To the south the development aligned with Daws Heath Road and its most easterly extent with the houses adjacent to the Appeal Site's south eastern corner. Again, it is evident from the Kennel Lane decision (CD 8.4) that such a response has a role in limiting effect on purpose a).

6.37 I am of the view that any sense of sprawl is thus limited by existing townscape and landscape features, the pattern associated with the Appeal scheme and that unrestricted sprawl is limited in this location.

Purpose b - to prevent neighbouring towns merging into one another

6.38 The assertion is that the merging is to be between Thundersley and Daws Heath. Yet Daws Heath is advanced as a 'prominent isolated settlement', and the Council seeks to elevate to a town, matters reported at para 5.46 of this proof.

6.39 As is evident from this proof, 'isolation' comes from the settlement's containment within the by the Daws Heath Ring, a ring made up of Green Belt Parcels 4,5,7,8,9.

6. 40 As noted at para 5.25 of this proof:

"It is important to note that the notion of preventing towns from merging is more one of perception as it is of distance between two towns." Further that "The PAS Green Belt guidance states that a 'scale rule' approach should be avoided. The identity of a settlement is not determined just by the distance to another settlement; The character of the place and of the land in between must be taken into account. Landscape character assessment is a useful analytical tool for use in undertaking this type of assessment." The Castle Point Green Belt Landscape Assessment (2010) is then referred to.

6.41 The Council immediately falls into the 'scale rule' trap. They ignore the landscape character – a matter fully explored in the LVIA. Also, a matter understood by the Local Plan Inspector (refer to para 6.34 of this proof). They do not report the TPO trees, the robust vegetated boundary, the visual cover upon the Local Wildlife Site, the woodland- all facets of physical and visual containment. They instead resort to measurement of distance, an approach their own Green Belt Review tells them to avoid. This is evidenced in the OR page 67 where they

refer to the gap of 440-500m being eroded to less than half its width, to approximately 190m. This is taken into the assessment in Appendix 1 to the OR. There is no reference to landscape features that exist or will exist through mitigation and amelioration.

6.42 Rightly these factors, when correctly considered limit the effect upon purpose b).

Purpose c

6.43 As with much of their scoring the Council overstate the Appeal Site's contribution to this purpose (refer to this proofs para 5.60/61).

6.44 Through an elevated baseline score and then lack of clear understanding of the character of the Appeal Site their harm is elevated.

6.45 They have not paid any credence to design mitigation/ amelioration in relation to this matter, the retention of 51% of the site as multifunctional greenspace, part of a GI strategy welcomed by Essex County Council (see para 6.11 of this proof).

6.46 They have not readily responded to the positive visual and physical containment of the site, a factor that limits any 'encroachment' to being within the Appeal Site.

6.47 In summary when above factors are taken into account they result in limitation to the effect on this purpose. Again, a journey that the Inspector was able to work through at Kennel Lane (CD 8.4).

7.0 Summary and Conclusions

- 7.1 It is common ground that the scheme is inappropriate development Green Belt harm. However, it is on an element of Green Belt that had been advanced via Exceptional Circumstances to an allocation Site with associated policy HO13 and found sound by the Local Plan Inspector.
- 7.2 The Appeal scheme is on a parcel of land that has been assessed through: Large Sites Capacity Assessment, SHELAA, Green Belt topic paper (2018), Green Belt Review Part 1, Green Belt Review Part 2. Through such rigour the Council were able to allocate the Site for new homes, associated green space and infrastructure. via Policy HO13.
- 7.3 All of the above is within a location where no national landscape designation, no strategic viewpoints, a landscape that does not sit within the Framework para 180a) as a 'valued' landscape. Where the site lies tightly to the settlement edge, its character varying from peri urban to less so, but always influenced by noises associated with settlement area and its associated infrastructure.
- 7.4 An LVIA, in accordance with GLIVA (3rd edition), unchallenged by the Council through the entire preapplication and determination period, both informed the scheme design and enabled ensuing effects to be understood. It rightly reports any adverse landscape and visual effects as being limited and localised and also rightly reports beneficial effects, notably to mature hedgerows, woodlands, informal routes and green lanes, water features, community orchards and allotments.
- 7.5 The submitted scheme received no landscape and visual commentary in the Officer Report, no assertions of adverse effects were within the Reason for Refusal. Within there assessment of Green Belt effects – pursuant to the Council's most up to date guidance "Guidance for assessing Planning Applications in the Green Belt in Castle Point (CD 6.25), their Stage 4 makes very little reference to character and appearance of the area. in relation to Historic Landscape, effects are limited. Indeed, it is only post the CMC and in the Council's Statement of Case that such matters are raised.
- 7.6 Rather than their latterly asserted harm, it is evident that the Appeal scheme has put forward a design that has a positive response to landscape and visual matters. It reveals:

- a) A robust, correct and unchallenged contextual assessment of the landscape and visual baseline.
- b) That the Appeal Site is rightly not on a landscape that not valued in relation to para 180a) of the Framework.
- c) That the Appeal scheme is on a landscape that is visually well contained from its wider context and visually compartmentalized internally through retained and enhanced boundary planting and localised topography. It is also well related to the urban edge at three of its margins.
- d) Through a collaborative design process, a scheme has been reached that meets guidance within the Council's evidence base documents and supporting landscape documentation.
- e) The scheme results in an outcome where there was no landscape and visual objections from the Officer's within their OR and subsequently no associated Reason for Refusal.

- 7.7 The outcome is that the benefits that arise from the positive design should progress into the positive part of the planning balance.
- 7.8 Alongside the Appeal Site being outside any 'valued' landscape, the Appeal Site and its context are within a location where *'60% of Borough's area is Green Belt, tightly drawn to urban areas'*, where Green Belts have not been reviewed since 1998, where pressure from other constraints (such as ecological designations, Health and Safety Zones), where neighbouring authorities cannot meet demands. The Appeal Site is assessed as being within a sustainable location.
- 7.9 In this context the Appeal scheme occurs on a site where perception of Openness is localised, where ribbon development has already occurred, where the contextual settlement and landscape provides durable features.
- 7.10 In relation to Openness, change and perception of change, is limited through the inherent baseline position and the positive design response of the scheme. The same is the case for the three purposes that lie between the parties.
- 7.11 Again such the limitations are to be taken forward into the planning balance. This exercise is undertaken by Mr Ryder.