



Leckhampton with Warden Hill Neighbourhood Plan

Technical Note:

Landscape consultation response

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1.1 Introduction

1.1.1 Lepus Consulting has been appointed by Leckhampton with Warden Hill Neighbourhood Plan Working Group to provide a response to the representations received from Miller Homes in relation to the consultation on the Leckhampton with Warden Hill Neighbourhood Plan.

1.1.2 In 2022 Lepus Consulting were appointed to provide an update to their 2017 assessment of the landscape character of the study area to support the Leckhampton with Warden Hill Neighbourhood Plan. In addition, the Lepus Consulting (2022) Landscape Character Assessment (LCA) considered the valued qualities of the landscape using the guidelines published by the Landscape Institute¹.

1.1.3 Miller Homes appointed Hankinson Duckett Associates (HDA) to carry out a Landscape and Visual Impact Assessment (LVIA) of the proposed development of the Cheltenham Local Plan 2020 allocation MD4, located at the northern part of the study area.

1.2 Purpose of this technical note

1.2.1 This technical note confirms the approach taken to the Landscape Character Assessment and responds to the matters raised by landscape consultants HDA in the RPS representation reference JBB7795.C8323, 11th April 2023.

1.2.2 It should be noted that the HDA comments focus on project-level Landscape and Visual Appraisal (LVA) whilst the Lepus report has been prepared as a Landscape Character Assessment (LCA) to inform a plan: the Leckhampton and Warden Hill Neighbourhood Plan. The landscape evaluation approaches are related but different.

1.2.3 The following paragraphs draw on specific matters raised by HDA and respond accordingly.

1.3 Lepus Consulting response

1.3.1 Lepus Consulting was appointed in 2017 to provide an update to a landscape appraisal undertaken by Landscape Design Associates (LDA) in 2003. The study area used in the 2022 Lepus Landscape Character Assessment evaluated the character of the landscape of the parish outside the built-up areas with the intention of updating the 2017 assessment and to assess the value of the landscape, based on the Landscape Institute's published guidelines².

1.4 'Site level' Landscape and Visual Appraisal

1.4.1 HDA (para 7.8, p12) states that '*policy (LWH5) washes over the MD4 allocation and therefore fails to provide a bespoke assessment at the site-specific level.*'

¹ Landscape Institute (2021) 'Assessing landscape value outside national designations' Available at <https://landscapewpstorage01.blob.core.windows.net/www-landscapeinstitute-org/2021/05/tqn-02-21-assessing-landscape-value-outside-national-designations.pdf> [Accessed on 10/05/23]

² *ibid*

- 1.4.2 Landscape Character Assessment can be undertaken at a variety of scales and it is for the landscape practitioner to consider a suitable scale of assessment for the purposes of the study. The GVIA3 does not specify a scale for assessment but sets out guidance that landscape character areas should, amongst other factors '*share generic characteristics with other areas of the same type, but have their own particular identity*'.
- 1.4.3 The study area used by Lepus is considered to share consistent landscape characteristics, as described in pages 32 to 40 of the Lepus report.
- 1.4.4 A 'Landscape Characterisation Assessment and Sensitivity Analysis'³ was prepared to support the preparation of the Joint Core Strategy (JCS) for the Gloucester, Cheltenham and Tewkesbury local planning authorities. The study area used in the Lepus assessment reflects the assessment units used in the JCS study, which states that these units were identified on the basis of a characterisation process and that each area was divided into '*distinct character areas*'; lending further support to the view that the study area used in the Lepus report shares distinct and recognisable characteristics.
- 1.4.5 Furthermore, the JCS assessment identifies the study area as C1: Leckhampton (north) as being of high - medium sensitivity, one of the most sensitive landscapes in the areas assessed surrounding Cheltenham:
- This compartment tends to be intimate and textural in nature which lends a sense of local distinctiveness. Rough pasture, small-medium irregular field pattern, independent nurseries (some of which are dilapidated), period properties, structurally diverse vegetated boundaries, orchards, ditches and the Hatherley Brook create varying degrees of enclosure and visual interest. Although maintenance and condition of features varies; the rural character is interspersed with formal/ornamental garden planting; and some buildings and boundaries appear in a state of disrepair the zone provides important continuity of the AONB landscape and an amenity resource for local residents.*
- 1.4.6 A defining characteristic of the study area lies in the mosaic of land uses present and it would not be appropriate to subdivide the study area into smaller assessment units which would erode the nature of this mosaic.
- 1.4.7 The mosaic of land uses and the character this creates has been recognised by other professionals who have considered the landscape within the study area over many years. Appendix B of the Lepus report summarises comments from Planning Inspectors and the Secretary of State. In particular, in relation to the appeal by Miller Homes in 2016 relating to the application for planning permission for the development of up to 650 homes, the report to the Secretary of State for Communities and Local Government by P W Clark MA MRTPI MCMI and the Secretary of State's letter from Julian Pitt, APP/B1605/W/14/3001717 (5 May 2016).
- 1.4.8 Inspector Clark states:

³ Tewkesbury Borough Council, Gloucester City Council and Cheltenham Borough Council (undated) 'Landscape Characterisation Assessment and Sensitivity Analysis' Available at https://www.gloucester.gov.uk/media/1842/ics_landscape_characterisation_assessment_and_sensitivity_analysis_septem.pdf [Date accessed 10/05/23]

My site visits, both informal and unaccompanied before the event, and formal and accompanied during the event, convince me that the LDA report referred to by the Parish Council carries the most compelling analysis of the worth of this site rather than the more recent work carried out by the Council and the appellant specifically for this proposal. That earlier report accurately describes the mosaic of land uses, varied topography, landscape history, dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and frequent glimpses of views to the AONB which combine to make the whole of this site a memorable landscape [156-160]. Those characteristics remain largely unchanged.

1.4.9 In response, Julian Pitt, on behalf of the Secretary of State, sets out (Lepus emphasis):

19. Turning to the site itself, the Secretary of State has considered the Inspector's assessment at IR257-263 and agrees that, whilst not designated, the site has its own intrinsic charm which gives it value (IR260), is a locally valued landscape, and that its value derives from its own characteristics, of which views towards the AONB are only one of a number of charming features (IR263).

20. In conclusion, the Secretary of State agrees that development on this site at the present time would harm the character and appearance of the local area through the loss of a valued landscape (IR264). Although development of the site would not harm more structural elements of the wider contextual landscape character, such as the nearby AONB or the setting of Cheltenham as a whole, its development would cause a local loss and would conflict with LP policies identified at IR265.

1.5 Disused greenhouses and why they are insignificant

1.5.1 The HDA response states that descriptions of the northern field parcels are lacking in the Lepus (2022) report. HDA also states that 'Table 6.3 of the report fails to reference the derelict and disused greenhouses across the northern part of the site'. This is not the case and the characteristic features of the northern field parcels are distinctly mentioned in Table 6.3: 'There are a few informal buildings and structures associated with the small holdings and former nurseries' p.53⁴. The green houses and nursery structures are also clearly acknowledged in para 5.5.1⁵, including the disused greenhouses. The disused greenhouses and hardstandings occupy approximately 2.4ha of the 74ha study area and were not considered to be a sufficiently defining characteristic as to lead to the judgement that their presence would warrant the creation of a specific landscape character area for them.

⁴ Lepus Consulting (2022) Leckhampton with Warden Hill Neighbourhood Plan Landscape Character Assessment Update with an evaluation of Landscape Value. September 2022 v11.

⁵ Ibid.

1.5.2 The HDA response appears to put much emphasis on the presence of disused greenhouses and areas of hard standing. The presence of disused greenhouses has been recognised in the published landscape character assessments and landscape sensitivity assessments and has not led these assessments to conclude that their presence substantially reduces the distinctive positive characteristics which contribute to making this landscape locally valued. It is entirely reasonable that policy LWH5 seeks to protect the distinctive landscape characteristics of the study area.

1.6 Attributes with landscape value

1.6.1 HDA assert in para 7.3, p11 that *‘An assessment of such differences in the character and appearance of the study area and the presence or absence of valued features across the study area are lacking in the report’*. This is untrue.

1.6.2 Landscape value reflects a range of features, characteristics and relationships in the landscape, as set out in the guidance from the Landscape Institute, which suggest nine ‘indicators’ of landscape value,

1. Natural heritage indicators;
2. Cultural heritage indicators;
3. Landscape condition indicators;
4. Association indicators;
5. Distinctiveness indicators;
6. Recreation indicators;
7. Perceptual (scenic) indicators;
8. Perceptual (wilderness and tranquillity) indicators; and
9. Functional indicators.

1.6.3 These nine indicators can combine to influence the judgements regarding the value of the landscape, outside formal landscape designations. In summary the Lepus assessment considered the following attributes to be key valued characteristics of the study area:

- A strong landscape pattern in many parts of the study area, created by the vegetated historic field boundaries;
- A sense of visual unity created by the consistent pattern of grasslands combined with vegetated field boundaries and watercourses;
- A good sense of tranquillity and providing opportunities for contact with nature;
- A range of habitats for biodiversity, including protected species, such as dormice and bats, as well as Priority Habitats, such as traditional orchards, and irreplaceable habitats, such as the veteran oak tree;
- Historic associations: The landscape of the study area is likely to be considered to form the setting to designated heritage assets, such as Moat Cottage and Field Cottage;
- Links to market gardening and nursery businesses, reflecting soil quality and fertility;
- Part of the setting to the designated landscape of the Cotswolds Area of Outstanding Natural Beauty (AONB). The study area lies at the footslopes of the escarpment to the Cotswolds Hills, which allows opportunities for views towards

and from the ridgeline and to appreciate this geomorphological feature, one of the identified Special Qualities of the Cotswolds AONB;

- The study area has strong visual connectivity with the nationally important landscape and forms part of the transitional landscape between the designated landscape and the suburban edge of Cheltenham;
- The study area is an excellent example of multifunctional green infrastructure providing a range of services and functions for biodiversity, natural water management, carbon storage and recreation; and
- Highly valued for informal recreation, reflected in the designation of the majority of the study area as a Local Green Space (LGS) and providing opportunities to benefit local residents' physical health and well-being.

1.7 Valued Landscapes, the 'Stroud Case' and citing Leckhampton as best practice

1.7.1 Of particular note and relevance to the appreciation of valued landscapes, it is worth turning to a media publication which was written by Peter Goatley KC of No5 chambers. Called 'Valued Landscapes – A Legal Perspective'⁶, the publication describes the consideration of the Stroud Case in judgements regarding valued landscapes which set the requirement for valued landscapes to show 'demonstrable physical attributes', rather than just popularity,

The Stroud case involved a challenge by Stroud DC against the decision of an Inspector to grant permission for 150 houses on land at Leonard Stanley...The Council sought to contend that the site represented "a valued landscape" for the purposes of paragraph 109 of the NPPF. Having heard the evidence of expert landscape architects appearing on behalf of both the Appellant and the Council the Inspector rejected that view and said that the site had no "demonstrable physical attributes" to justify it being considered a "valued landscape" for the purposes of paragraph 109 of the NPPF. The Council challenged that view in the High Court and Ouseley J rejected the challenge in the following terms:

'It is then said that the land represents a wedge of countryside extending right into the hearts of the settlement. But that issue itself was considered in relation to coalescence. It is a feature of the land but it is impossible to see that the Inspector would not have had that aspect in mind if he thought it was something that demonstrated its attributes. It was crisscrossed by well used public footpaths and from those public footpaths it is evident that you can see the escarpment of the Cotswolds AONB and that the housing development on the site was going to impose considerable limitations. But the Inspector was entitled to regard that sort of factor as falling below the level required for demonstrable physical attributes in order for countryside to be "valued" but not designated countryside. The Inspector did not specifically refer to those factors in this context but I have no doubt that in paragraph 18, in his description of demonstrable physical attributes needing to be shown rather than just popularity, he was not remotely persuaded that the points made by Ms Kirby demonstrated that it had attributes that took it out of the ordinary, but did not warrant formal policy designation'.

⁶ Goatley, P No5 Chambers (2018) 'Valued Landscapes – A Legal Perspective' Available at <https://www.no5.com/media/publications/valued-landscapes-a-legal-perspective/> [Accessed on 11/05/23]

- 1.7.2 The findings of the Stroud Case are interesting because they cast some light on the definition of what makes a valued landscape. The clear inference is that there must be ‘demonstrable physical attributes’ that justify why a landscape may be considered to be a valued landscape.
- 1.7.3 As described above, both the Lepus report as well as other professionals, including Planning Inspectors and the Secretary of State, uphold the view that the landscape of the study area has distinctive characteristics and is locally valued. Indeed, Peter Goatley KC references⁷ Leckhampton as an example where the identification of valued features has led to the successful identification of a valued landscape:

Sometimes sites are undesignated for some historical planning reasons, despite their quality. In the Leckhampton DL [decision letter] the Inspector recorded his view of the site in question as being a “mosaic of land uses, varied topography, landscape history, dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and frequent glimpses of or views to the AONB which combine to make the whole of this site a memorable landscape.

1.8 Policy LWH5: Conserving and Enhancing Valued Landscape

- 1.8.1 RPS notes that ‘Policy LWH5 has been redrafted and provides a generic policy approach on the matter of Valued Landscapes. The draft policy does not make any specific reference to particular sites or locations within the LWHNDP area. This is welcomed. Nonetheless, the policy is supported by a Landscape Character Assessment Update with an evaluation of Landscape Value carried out by Lepus Consulting’ (para 7.1, p11).
- 1.8.2 Policy LWH5 seeks to protect the key distinctive characteristics of the landscape in the study area. It should be noted that it is not the role of the policy or the accompanying LCA to provide an assessment at the site-specific level. The tool for this task⁸ is an LVA or LVIA (Landscape and Visual Impact Assessment) such as that prepared by HDA and referenced in the RPS representation. LVAs or LVIAs are prepared to accompany applications for planning permission at the site allocation scale.
- 1.8.3 Policy LWH5 would not prevent development coming forward in the allocated land parcels. It is the process of site-specific Landscape and Visual Appraisal, as prepared by HDA, which should consider in detail those distinctive and valued characteristics of the allocated site and the study area and feed into the layout and character of built form, green space and green infrastructure as part of the masterplanning process and in order to meet policy MD4 of the adopted Cheltenham Local Plan, which states,

Originally a JCS site, development at this location will need to take into account landscape impacts, highways issues and green space. Site boundaries are based on the JCS Inspector’s comments in her Note of Recommendations from 21 July 2016. Development at this location will need to ensure that the JCS examination’s consideration and findings related to this site are fully taken into account. Along with this, the site has an extensive

⁷ Ibid.

⁸ Landscape Institute (2013) Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

planning history related to the earlier, larger proposal (13/01605/OUT); the Inspector's and Secretary of State's findings in this appeal should also be reflected in any future scheme...

Site specific requirements:

- *A layout and form that respects the existing urban and rural characteristics of the vicinity;*
- *A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development; and*
- *A layout and form of development that respects the visual sensitivity and landscape character of the site as part of the setting for the AONB.*

1.8.4 In summary, Policy LWH5 seeks to protect the distinctive mosaic of landscape characteristics of the study area. The distinctive landscape qualities and their value have been recognised in several LCAs and sensitivity studies. The recognition that this is a locally valued landscape with distinctive positive characteristics and appeal has been upheld by Planning Inspectors at project (planning appeal, 2016) and plan level (Joint Core Strategy, 2017) and likewise in an opinion provided on behalf of the Secretary of State.

1.8.5 Policy LWH5 does not preclude development of the allocated site but seeks to influence the protection of its key landscape characteristics. It also seeks to ensure that development comes forward that fosters well-designed, beautiful and safe places to meet the needs of different groups in the community. In keeping with para 125 of the NPPF, the neighbourhood planning team is seeking to use area-based character assessments, design guides and codes and masterplans to help ensure that land is used efficiently while also creating beautiful and sustainable places.

Habitats Regulations Assessments

Sustainability Appraisals

Strategic Environmental Assessments

Landscape Character Assessments

Landscape and Visual Impact Assessments

Green Belt Reviews

Expert Witness

Ecological Impact Assessments

Habitat and Ecology Surveys



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